the weekly Standard

JUNE 12, 2000 • $3.95

THE COURTS AND ABORTION
RICHARD W. GARNETT

The Battle of New York

CHRISTOPHER CALDWELL • TUCKER CARLSON

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H.R. 2944 & Electricity

Respect for the States and Limits on Federal Regulation — The Key Principles Underlying H.R. 2944

Any federal legislation that restructures America's electric industry must embrace two fundamental principles. First, it must be deferential to the long standing prerogatives of the States. Second, it must be truly deregulatory and constrain the appetite of federal regulators to regulate. H.R. 2944 as reported by the House Subcommittee on Energy and Power now embodies these two crucial principles.

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The Auditing of Juanita Broaddrick

When Juanita Broaddrick came forward with her allegations last year that Bill Clinton had raped her in a hotel room in the late 1970s, she was prepared for the worst: public incredulity, Clintonista attacks, even, she used to joke with her family, "an IRS audit." Having suffered the two former, she dismissed the likelihood of the latter. "Oh no, they wouldn't possibly do that," Broaddrick now says she believed at the time. But just six months after she allowed Larry Klayman's Judicial Watch to sue the Clinton administration on her behalf to obtain access to the FBI file she suspects was kept on her, her lucky number came up.

"I think I could win the lottery right now," Broaddrick says of the IRS letter she received last week announcing that the Brownwood Manor nursing home that she has owned since 1974 is, for the first time in its history, being audited.

Exactly why is a mystery to her. "Our business has not changed in any way—no change in ownership, no change in anything," she says. "I can't imagine what would draw someone's attention to my business." Unless, as she suspects, it's because of her charges of assault against the president of the United States. "I feel like it's politically motivated," Broaddrick says. When asked why anyone in Clinton's position would risk bringing attention to charges that have been largely ignored, she says nonchalantly, "They've gotten away with everything else they've ever done. Why would this be any different?"

While the administration has denied any connection to the audit, many Clinton nemeses have also become IRS lotto winners: the *American Spectator*, the Western Journalism Center, and Travelgate scapegoat Billy Dale, to name a few. Among the Clinton women alone, Broaddrick, Paula Jones, and Elizabeth Ward Gracen have drawn IRS audits. According to Syracuse University's Transactional Records Access Clearinghouse, the chance of being audited is 1 in 110. If there has indeed been no targeting by the administration, that must mean—statistically, anyway—that there are somewhere in the neighborhood of another 330 Clinton women at large. ♦

The Bush-Clinton Missile Defense

Congratulations to presumptive GOP presidential nominee George W. Bush, whose proposal for a global missile defense system to protect American allies—coupled with dramatic reductions in offensive ballistic weapons—won a partial endorsement last week from . . . Bill Clinton. Vice President Al Gore, who generally likes to broadcast his intimate involvement in the administration's national security deliberations, appears to have been left out of the loop on this one.

In late May, during a commencement address at West Point, and on Air Force Two immediately thereafter, the vice president did one of his patented "mean Al" routines on the subject of Bush and missile defense. Bush's plan, Gore thundered, would "hinder, rather than help, arms control." Combining "serious unilateral reductions with an attempt to build a massive defensive system would create instability and thus undermine our security." Gore's aides later restated the vice president's support for research and development of a limited national missile defense system, but argued that any broad-scale program extending beyond our borders would prove destabilizing.

Yet there was Clinton in Queluz, Portugal, on May 31, telling reporters, essentially, that he sided with Bush—and not his own vice president—on this question. If national missile defense proves feasible, Clinton was asked, shouldn't the technology be shared with the European democracies and America's other allies around the world? Yes, it should, the president responded; "it would be unethical not to do so."

That, by the way, is a position first staked out by Ronald Reagan, who told the disbelieving Soviets in the 1980s that he meant to share the missile defenses America developed, not monopolize them.

Memo to the vice president: Clinton just called your position on missile defenses "unethical." ♦

Playing Softball with Greg Craig

Over the course of the Elián saga, Gregory Craig, the attorney for Juan Miguel González, has stayed extremely busy not returning phone calls from skeptical reporters. So it seemed rather sporting of him to subject himself last week to pointed inquiries during an on-line chat hosted by the *Washington Post*. At least it would have been sporting, had there been any.

Instead, we got the following: An interlocutor from Washington, D.C., wished to know, "wouldn't the implication of a victory by the Miami relatives be that anytime we don't agree with the parent . . . we could take the kid?" An inquisitor from La Paz

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invited Craig to go mountain climbing in the Bolivian Andes ("I'll visit soon," promised Craig), while another D.C. native invited Craig and Elián to take a trip to the National Zoo. A Craig fan from Kansas City declared the Cuban embargo "cruel," before asking, "Is there anything besides letter writing that will accelerate some fair play?" Craig declined comment. "I've tried to eliminate politics from this case as much as possible," said the man who castigated the Miami relatives for allowing swingset viewings of the boy, but who himself toted Elián to a play-date at a Georgetown house populated with Democratic donors.

We fired off several questions during the discussion, all along the lines of asking Craig how he feels about fighting for the return of a child to a country where they conscript schoolchildren to do farmwork, instruct them to inform on their parents, and force them to wear those fruity Pioneers outfits while singing hymns to Che Guevara. We were fully prepared for Craig to defend the indefensible (he has after all represented Bill Clinton and John Hinckley). Instead, our questions never saw the light of day. It may not have been Craig's fault. After all, he had to knock off ten minutes early—he's a very busy man, and the Bolivian Andes beckon. ♦

Prince of Plymouth

John Derbyshire, an occasional contributor to these pages, writes to alert THE SCRAPBOOK to the death of John Coolidge, son of the twentieth century's most conservative president.

Derbyshire reports that while writing his acclaimed novel, *Seeing Calvin Coolidge in a Dream*, he sought out the younger Coolidge for assistance: "John was unfailingly patient and helpful, though he plainly found some of my questions perplexing. (Which pocket did your father keep his handkerchief in? How did your father cut his cigars?)

"Though quite accustomed to biographers, I suppose he had little experience of novelists. John Coolidge was a New England gentleman of the old school (he used to summer in Vermont and winter in Connecticut). His Vermont home was by the tiny hamlet of Plymouth Notch where his father was born—the most beautiful and evocative of all presidential birthplaces. John had a rich fund of anecdotes about his White House years. His own favorite concerned the visit of the Prince of Wales—the one who later abdicated the British throne. Before the prince arrived, Ike Hoover, the old White House usher, took John aside and said: 'Don't be nervous about meeting the Prince of Wales. Just remember: You are the Prince of Plymouth.'" John Coolidge died May 31, aged 93 years. ♦

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THE WEEKLY STANDARD has a full-time entry-level staff position available for an individual with excellent communication skills to manage the front desk and other administrative tasks. Please send your résumé and a letter describing your qualifications to: Business Manager, THE WEEKLY STANDARD, 1150 17th Street, NW, Suite 505, Washington, D.C. 20036. Or fax, 202-293-4901. ♦

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Casual

Down and Out at the Beverly Hilton

A recent Wednesday night, on a business trip to Los Angeles, a colleague and I had a bite to eat at the hotel restaurant. I returned to my room about 10:15—to find it ransacked. My laptop was the first thing whose absence I noticed. "I must have put it somewhere else," I said to myself, though the thought flew in the face of my knowledge that I hadn't moved it from the desktop in three days.

Once the reality of the situation sank in and my head stopped swimming, I began to inventory my possessions (personal property before office, sorry News Corp.). Montblanc inscribed with first anniversary date? Gone. Cufflinks from another anniversary? Gone. Hermès ties from various Father's Days? Gone. Briefcase? Gone. Palm V? Gone. (One keeps hoping this little game will end. It doesn't.) Suits? Gone. Shoes? Gone. Dress shirts? You guessed it. Athletic gear? Gone. Boxer shorts? Gone. And to carry it all away, Bob? A new suitcase! (Here, hum the *Price Is Right* theme.) I could go on, but I believe the point is clear. Total wipeout—the place was vacuumed.

What remained were the pants and shirt I was wearing and my oldest pair of shoes, on me as well. What else was left? Two tattered Polo shirts (this larcener preferred my Lacostes), some toiletries (he or she liked my cologne, toothpaste, razor, and after-shave lotion), and a half-drunk bottle of Evian the felonious rake had selected from the mini-bar to refresh him or herself midst this laborious task. To prevent dehydration, the surgeon general does recommend water every 20 minutes during rigorous criminal activity.

By the time I had gone pugilistic on a few walls, used a few not-so-carefully selected vulgarities (which attracted notice from a couple walking down the hall, who told me their car had just been broken into), and security had arrived, 10 minutes at most had elapsed. It seemed that the hotel security guard and, arriving a minute later, the Beverly Hills police officer (who had somehow procured Herbert Haft's hair for this evening. Tip to the BHPD: Cops shouldn't use hairspray) had attended the same charm school. The sympathy in the room was as scarce as my laptop.

Darren Gygi

Still, after I'd spent an hour filling out the loss report, which came to a not insignificant sum, I naively imagined the hotel would now bend over backwards to placate me. Or at least make some palliative gesture. Nothing. Not a gratis night, meal, drink, or cup of coffee. Now, I am aware that my loss was the equivalent of half a mediocre L.A. chemical peel. Still, I actually expected concern. Instead I was moved to a room with no king-sized bed, no balcony, and a full view of the poolside stairwell. Off I went, my few toiletries and shirts pathetically balanced on a notebook.

So you're thinking in the morning I was awakened by a call from the general manager? Wrong, Foolish Reader. I had left a message the night of the robbery asking the general manager to call first thing the next day. Mid-morning, I called again and was asked to leave a message. I did, and eventually the assistant general manager left a message for me. When I attempted to return his call, I was quickly relegated to the assistant director of security.

You see, to get an audience with the director of security, you must have suffered violent assault by gang members in the process of trashing your room. To speak with the assistant general manager? Defenestration. The general manager? Defenestration-induced decapitation. So for the next 30 or so hours, it was me and Barney Fife engaged in useless conversation. Each time we spoke, I received a response like, "It's under investigation," or, "It's not likely that we'll be able to tell you anything before you leave for Washington."

Through some lapse of logic, the invasion of my room and theft of all my property didn't even warrant the hotel's questioning the only other person known to have been in my room that Wednesday evening (a maid) until Friday. So I left for Washington, and here I sit not knowing whether the Beverly Hilton is going to reimburse me for one cent of my loss. The hotel had finally promised to leave a message on my voicemail by the time I arrived in Washington Friday evening. I'll let the reader speculate as to whether the message was there. The one thing I can report is that it seems I was actually charged for the thief-swilled Evian.

And the hotel's cavalier attitude toward illegalities really shouldn't come as a surprise, considering that they sell $50 Cuban cigars at the poolside bar.

So, sadder but wiser, I'm swearing off the rather lovely, somewhat tacky, centrally located establishment I have made my exclusive residence when in Los Angeles these last ten years. As for its patron, Merv Griffin, I salute him. Again, I'll let the reader speculate as to the precise form of this salute.

David H. Bass

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Preventing Birth Defects Could Be Within Our Grasp

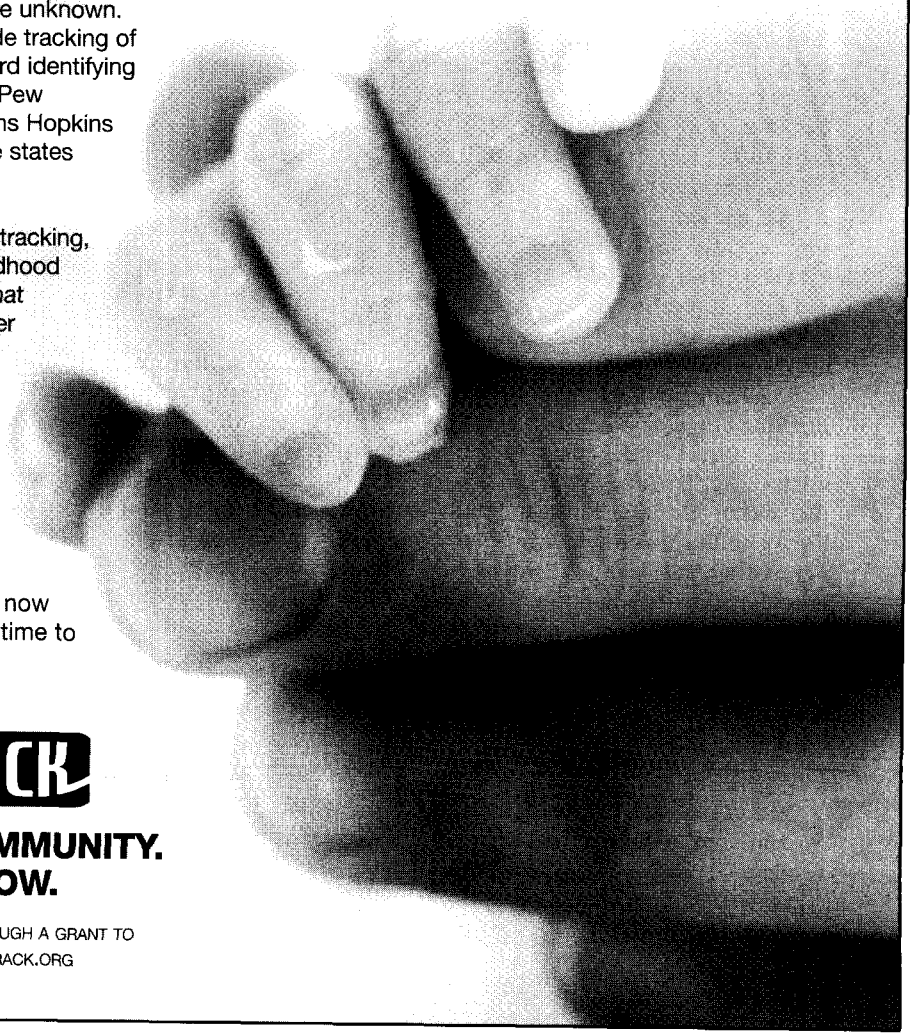
Health Tracking is the First Step

Rates for a number of major birth defects are on the rise. But public health researchers can't tell parents why and they don't have the data to determine causes, plot clusters, or prevent birth defects.

Birth defects are the leading cause of infant death in the U.S., and the causes of 80% of birth defects are unknown. But America has not invested in nationwide tracking of birth defects – an essential first step toward identifying causes and preventing birth defects. The Pew Environmental Health Commission at Johns Hopkins School of Public Health says a third of the states have no system for tracking birth defects.

Fact is, America has no nationwide health tracking, period. Not for birth defects, asthma, childhood cancer or most other chronic diseases. That means we have no way of knowing whether these diseases are occurring in unusual numbers or whether they're linked to environmental factors such as pollution, toxic wastes or pesticides.

America needs a nationwide health tracking network to protect families and communities. That's what Health-Track supports and why Congress and the Administration should take the first steps now to set up nationwide health tracking. It's time to solve these mysteries and save lives.



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WITHER ZIONISM?

AS ONE WHO HAS ADMIRED the perception, sometimes brilliance, and style of Charles Krauthammer's essays on public issues, I am perplexed by what appears to me to be a blind spot or blur on his vision of Zionism and Israel's future as expressed in his essay ("The Collapse of Zionism," May 29). There is no more than a passing nod, if that, to the collapse of socialism, the incredible success of free-market capitalism everywhere, the emergence of the age of the Internet and global commerce and communications, and the accompanying spread worldwide of democratic ideas. This results in the growing irrelevance of national boundaries, reducing them to nothing more than artificial lines in the sand.

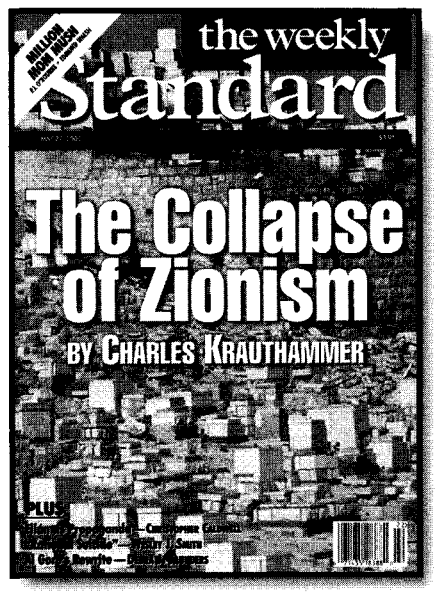
The destiny of Israel should be to become the Hong Kong, the Taiwan, or at least the Silicon Valley of the Middle East. Can anyone conceive of Israel as a state which is half Silicon Valley, half Eastern Europe? Israel cannot prosper alone in a sea of poverty. It's future thus is to be the Silicon Valley in a regional economic community comprising itself, Jordan, Egypt, Syria, Lebanon, and the Palestinians—perhaps ultimately even Iran and Iraq. Commercial intercourse through global free market capitalism can bridge what appear to be impossible gaps between these groups in a way wars and mutual pleas for good hearts, good intentions, and good understanding never can do.

Krauthammer's reference to a Maginot line of five-star hotels as a defense against Israel's neighbors is totally misleading. Better a Maginot line of five-star hotels or an Internet Maginot line of software and technical components, than the Maginot line of concrete fortifications and ground obstacles which in an age of electronic and missile warfare are hopeless.

MAURICE ROSENFIELD
Chicago, IL

CHARLES KRAUTHAMMER is disappointed with his brethren who reside in Zion. We do not have what it takes to stick it out in our nasty neighborhood, and if we don't shape up, the next century will be cruel to us, and undo all the achievements of this one. Territorial contractions, a lost mini-war in Lebanon—these are symptoms of a deeper malaise.

Yes, as a people, we are not yet expert in the exercise of power. But peoples with far more experience also know something of the limitations of power, and we are learning those lessons, too. Every power in European and American history has known setback and defeat on some battlefield, and the idea that the Jews could be an exception is all too reminiscent of the mindset of Buber, who also held up Israel to an impossible standard. We



can no more win every battle than we can uphold every moral principle.

Yes, this is a disappointment to some Jews of the Diaspora, who look to us to do one or the other. It is even a disappointment to some Israelis. But we are an ordinary people facing ordinary choices, which are never simple. We can maintain democracy and human rights, but in an imperfect way, and we expect understanding from our friends, since our enemies will offer none. And we will win the big wars on which our existence depends, but we may sometimes forfeit the little ones on which it doesn't, and we expect encouragement from our friends, since our enemies will offer none.

Fortunately, we do have some room to maneuver. Our neighbors still do not have the fundamental attributes of modernity, and they can still be relied upon to miss opportunities and miscalculate, to their own detriment. Already some of them are drawing the wrong conclusions from what happened in Lebanon. But it is painful to see our friends do the same, and succumb to a gloom which has no more foundation than their past euphoria.

Krauthammer concludes: "Israel's enemies see the future, a future Israelis themselves may now be creating: a world without Zionism, a world without Israel." The late Elie Kedourie, whom I think most of us admired, was a practical friend. And his 1983 words in *Encounter* would be his riposte to Krauthammer:

"Does Israel as it is now depend on the truth, or cogency of the doctrine which presided over its coming to be? However it came about, here is a society which is now a going concern, in all its variety and complexity, its tensions and complications. It does not need to justify its existence by appealing to some ideology. Nor can the ideology make Israel immune from the chances and changes to which all states are necessarily subject, or save its rulers from mistakes and blunders. And, given the differing self-views which coexist in the Jewish world, it is not easy, or indeed even practicable, to have recourse to one single ideology in order to explain and justify the nation-state."

Israel was not a product of Zionist ideology. It was the outcome of desperation and need. Most of those who came to its shores had no ideological indoctrination. They fought for their lives. And Israelis will continue to fight for their lives, their homes, their families and countrymen, their new prosperity, and their freedoms. They don't need intellectuals to tell them why they need do so; and perhaps we intellectuals would do well to remind ourselves, as Elie Kedourie always did, of the limits of our own power.

MARTIN KRAMER
Director
Moshe Dayan Center for Middle Eastern and African Studies, Tel Aviv University
Tel Aviv, Israel

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CHARLES KRAUTHAMMER aptly describes Israel's demise. He then criticizes Yoram Hazony's explanation that the cause is "the intellectual influence of a small group of universalist German-Jewish professors." He offers the alternative explanation of "simple exhaustion," claiming Israelis "are tired of the hard life of sustaining the Zionist vision."

This raises the question, What is the source of their demoralization? Koreans, Vietnamese, Arabs, and others have been able to sustain their will for victory for generations. Why should this be difficult for Jewry, who have kept Jerusalem in their hearts for millennia?

I submit that Israel became demoralized as a result of a faulty vision, which may be labeled "love thine enemy." Telling an aggressor that when he attacks you he will be rewarded and understood rather than be forced to pay a regrettable price only encourages hostility. In fact, the strategy of sacrifice, begging for peace, and subsidizing adversaries has placed Israel in a no-win situation, fraught with humiliation. What hope can there be in fighting, when the best conceivable outcome is to grant the objectives of the enemy that they sought in war?

One may wonder why the Zionists did not provide a competitive vision, such as truth and justice, rather than accommodating aggression. This is because they eschew the war of ideas, preferring pragmatic, "realistic" approaches, which end up serving the vision of their adversaries.

ALLEN WEINGARTEN
Morristown, NJ

WE DISAGREE

I STRONGLY DISAGREE with Tom Donnelly's article about the Hart-Rudman Commission ("Newt Gingrich's Last Boondoggle," May 29). To bolster his overstated views, Donnelly uses what can only be characterized as cheap shots from anonymous sources supposedly tied to the commission. If a prestigious scholar associated with the commission really feels it is "a bad idea, badly executed," why would he sign up in the first place and why would he not be of a mind to identify himself?

The philosophical disagreements between THE WEEKLY STANDARD and the commission can be respected. Donnelly and the editors are entitled to their opinion. In fact, the piece could have stood alone on those issues without the contrived hatchet job that characterizes its first half. However, it must be remembered that this eclectic, bipartisan commission seeks to put forward a plan that can actually make a difference. It must be politically usable to be valuable. Conversely, with one possible exception, there is not one elected official in the United States who signs on to THE WEEKLY STANDARD's brand of American hegemony.

Donnelly disagrees with the commission's viewpoint and thus pronounces the entire thing an expensive failure despite the fact that the great majority of its work is not scheduled to be delivered until after the presidential election. He should not be so quick to judge.

JOHN HILLEN
U.S. Commission on National Security/21st Century
Alexandria, VA

SPRAWL REVISITED

I TAKE ISSUE WITH Fred Barnes's notion that "sprawl works" ("Suburban Beauty," May 22). His argument is flawed on several counts. First, Old Town Alexandria, Virginia, is not a prototypical "unsprawled" community because it is an extreme (18th century) example, and functions more as a museum than as a community. The true comparison should be between the sprawled developments of today and the suburbs, towns, and urban neighborhoods that came to maturity all across America in the early twentieth century.

Second, communities of more traditional design are not "utterly impractical for a postindustrial nation of 270 million people." They worked for metropolitan New York in 1920, and they can work in metro Salt Lake City or Austin today. The fact that society is now "postindustrial" should open, not close, the possibilities of intelligent community design.

Third, people buy houses in sprawled developments because that is what is available, not because it is preferred. Does Barnes really believe that given the alternative of an early twentieth century community design, people wouldn't prefer it?

Barnes completely missed the big story: A vast new American landscape is being created that will last hundreds of years and no one is taking responsibility for it. One does not have to be a big government advocate to believe that local and regional governments should provide leadership in shaping the growth and development of their communities. That public institutions generally have not risen to the challenge is a result of many complex and interrelated causes, but it is a failure nonetheless, and until we come to grips with it, we will continue to get communities that isolate us from each other and weaken civil society.

ANDREW AGREE
Vienna, VA

SHAME ON YOU for adopting a knee-jerk "Three Cheers for Sprawl" position that is nothing more than cheerleading for a dubious status quo. The future will compel us to live differently, whether we like the drive-in utopia or not, and Duany's vision of the future is at least civic and honorable in character.

JAMES HOWARD KUNSTLER
Saratoga Springs, NY

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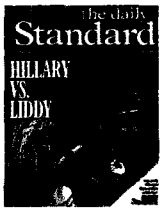

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Stupid and Cruel, but Not Illegal

Last week's 11th Circuit opinion, which effectively resolves the Elián González case and clears the way for young Elián to be sent back to Cuba, leaves us feeling a sickening sort of vindication.

At no point in the whole Elián affair were Clinton administration officials "upholding," "obeying," or "abiding by" the rule of law—to take a mere sampling from the steady stream of cant that accompanied their pronouncements on the issue. They were making it up as they went along. Let us be perfectly clear about what the court ruled. It did not find that the White House was *right* to send Elián back to Cuba. (Although the president continues to insist, disingenuously, that it did.) No: The court found that the White House had *chosen* to send Elián back to Cuba by executive fiat, and there was nothing within the bounds of judicial restraint that the court could do to stop it. Elián will soon be on his way back to a totalitarian torture state not because U.S. law requires that outcome, but because the Clinton administration has *decided* to send him back.

Let us be perfectly clear about what the court ruled: It found that the White House chose to send Elián back to Cuba by executive fiat.

Lázaro González and Elián's Miami relatives seem to have been on solid ground in arguing that, under 8 U.S.C. § 1158, "any alien . . . may apply for asylum." The Immigration and Naturalization Service countered that, since that section of the U.S. Code didn't address the specific instance where a child was applying against the wishes of a parent, it was entitled to create—*ad hoc*—a policy on the matter. The policy it settled on was: What Elián's father, Juan Miguel, says, goes. It blithely dismissed the question of whether Juan Miguel was acting under coercion.

Because the law was vague, the INS was able to invent its own policy. The administration's loophole was this: While a 6-year-old *may* apply for asylum, a petition filed by a non-parental relative against the wishes of a parent does not amount to a valid application for asylum. The relevant law said nothing about what constitutes a valid application. That opens the door to executive discretion. The court also implied that, in exercising its discretion, the administration wound up with a policy inconsistent with past INS interpretive guidelines—but those guidelines are not law.

The court was "not untroubled by the degree of obedience" the INS demonstrated toward a parent outside this country's jurisdiction. The court was also particularly "worrie[d]" that, "according to the INS policy, that a parent lives in a communist-totalitarian state is no special circumstance, sufficient in and of itself, to justify the consideration of a six-year-old child's asylum claim." Juan Miguel could have been acting under coercion, and a child living in a free society could have a conflict of interest with a parent living in a totalitarian one. All the court said was, "We cannot properly conclude that the INS policy is totally unreasonable." What's more, it said it was offering extra deference to the administration because this aspect of INS policy implicated foreign affairs.

The court clearly believed the Clinton "policy" in the Elián matter—not a policy but an order—was stupid and cruel. But since it was not illegal, the court found it had no statutory authority to gainsay the INS's decision. Nevertheless, the court explicitly addressed Cuba's system of government. "No one," the opinion runs, "should doubt that, if Plaintiff returned to Cuba, he will be without the degree of liberty that people enjoy in the United States. Also, we admit that re-education, communist indoctrination, and political manipulation of Plaintiff for propaganda purposes, upon a return to Cuba, are not beyond the realm of possibility."

Between the lines of the decision, you can read the

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Thomas Fluharty

language of a court heartbroken that it must rule the way it does: "*We are obliged to accept* that the INS policy, on its face, does not contradict and does not violate section 1158, although section 1158 does not require the approach that the INS has chosen to take." And most damningly, "The policy decision the INS made was within the *outside border* of reasonable choices."

The court insisted that it was "guided by well-established principles . . . of judicial restraint." And it was. "As policymakers," the decision noted, "it is the duty of Congress and of the executive branch to exercise political will." In this case, the executive branch exercised its political will to malevolent ends, and the Congress, which has plenary authority over immigration matters and to which the INS ultimately answers, exercised its political will not at all.

The court therefore faced an awful dilemma and had no way out. On the one hand, it could send a 6-year-old boy back to the totalitarian hellhole his mother died trying to rescue him from. On the other hand, it could further damage the separation of powers on which the integrity of our government rests, and which judicial-activist judges have done so much to erode—often to the delight of the very same people who are most eager to ship Elián back.

That the court made a good and honorable decision doesn't make us any less glum about Elián's future. In declaring that the Elián González case is "mainly about separation of powers under our constitutional system of government," the 11th Circuit seems to have closed off many avenues of appeal that could take it to the Supreme Court. We now think it likely Elián will be back in Cuba within a month's time. After that, as anyone with even a nodding familiarity with Cuba knows, you'll be seeing Elián often on TV shows and at rallies. The next time you see him, he'll be denouncing the imperialistic mafia and counterrevolutionary bandits who fed, clothed, and loved him for the five months after his mother died.

At that point, perhaps some people will take notice, and express surprise, and ask, in effect, *Who lost Elián?* We will blame President Clinton, Attorney General Reno, and immigration director Doris Meissner, for being amoral enough to send a boy back to a Communist dictatorship, cynical enough to do business with a Communist dictatorship, and, above all, dishonest enough to pretend that the law demanded their deference to a Communist dictatorship.

We will blame a Republican Congress for being too feckless to stop them.

But we will continue to hope that before Elián is too much older he will live in a free and democratic Cuba.

—Christopher Caldwell, for the Editors

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Rambunctious Rick

Lazio hits the ground running with a little help from the McCain team. BY TUCKER CARLSON

Buffalo, N.Y.

IT IS THE LAST WEEK IN MAY and representative Rick Lazio has come upstate to be ordained as his party's candidate in the Senate race against Hillary Clinton. Lazio is slated to speak at the GOP state convention in a few hours, but first he must address several hundred Republican women gathered in a hotel ballroom. Republican women's groups look pretty much the same everywhere, except in Buffalo the women drink Labatt's with lunch.

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Under the circumstances, Lazio has been both wise and fortunate. Even with more time, he probably couldn't have found a better staff. The campaign is organized. Lazio is already competitive with his opponent in the polls. If you were going to enter the most intensely covered Senate race in the country a year late, you'd want to do it the way Lazio has. Not that Lazio's entry into the majors has been entirely graceful. His acceptance speech at the state convention, for instance, was enough to remind New York Republicans that until two weeks ago their candidate was just another congressman from Long Island. By chance, I got a front row seat at the speech and wound up sitting next to Frank Luntz, the Republican pollster who until last month was working for Giuliani. Luntz had just come from giving a speech to a group of GOP county chairmen ("Sponsored by Pepsi," according to the program). He was in a mood to carp. As Lazio peered down at a text he seemed never to have read before, Luntz piped up in something above a stage whisper: "Does he shave yet?"

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And well enough to recognize the importance of ethnic politics. Lazio is Italian. His wife, Patricia, is Irish. These facts are not insignificant in New York, where ethnicity still matters. In New York, politicians still reminisce from the stump about the Old Country, about stickball, pushcarts, and summer baths under the fire hydrant. It can be an effective shtick. It's harder to pull off if you're a baby boomer attorney who grew up in suburban Long Island. Lazio tries anyway, recalling his immigrant grandmother—"'Mama,' we called her. . . . As a boy standing in her kitchen, I liked to hear Mama tell the old stories as she stirred a pot of sauce—stories about Italy and America—and maybe sample a meatball or two."

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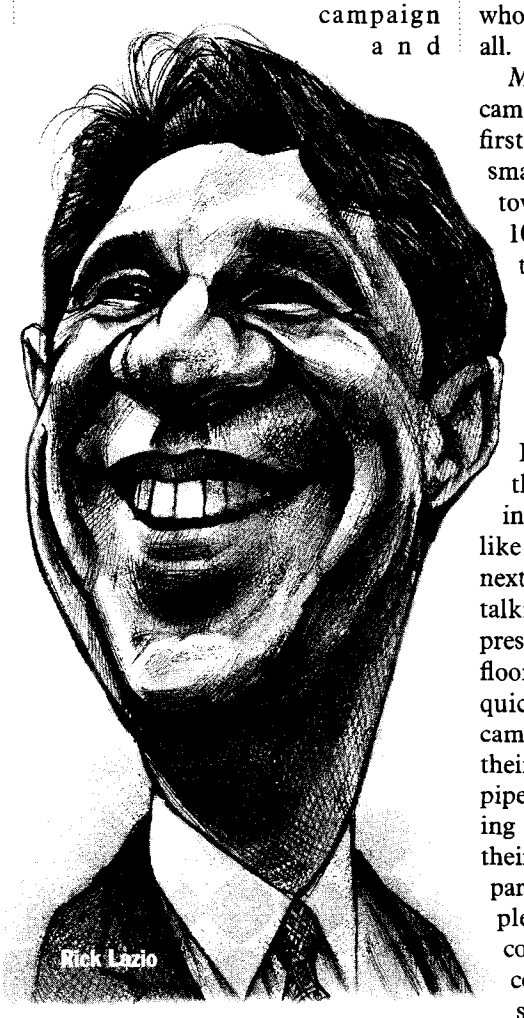

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Illustration by Ismael Roldan

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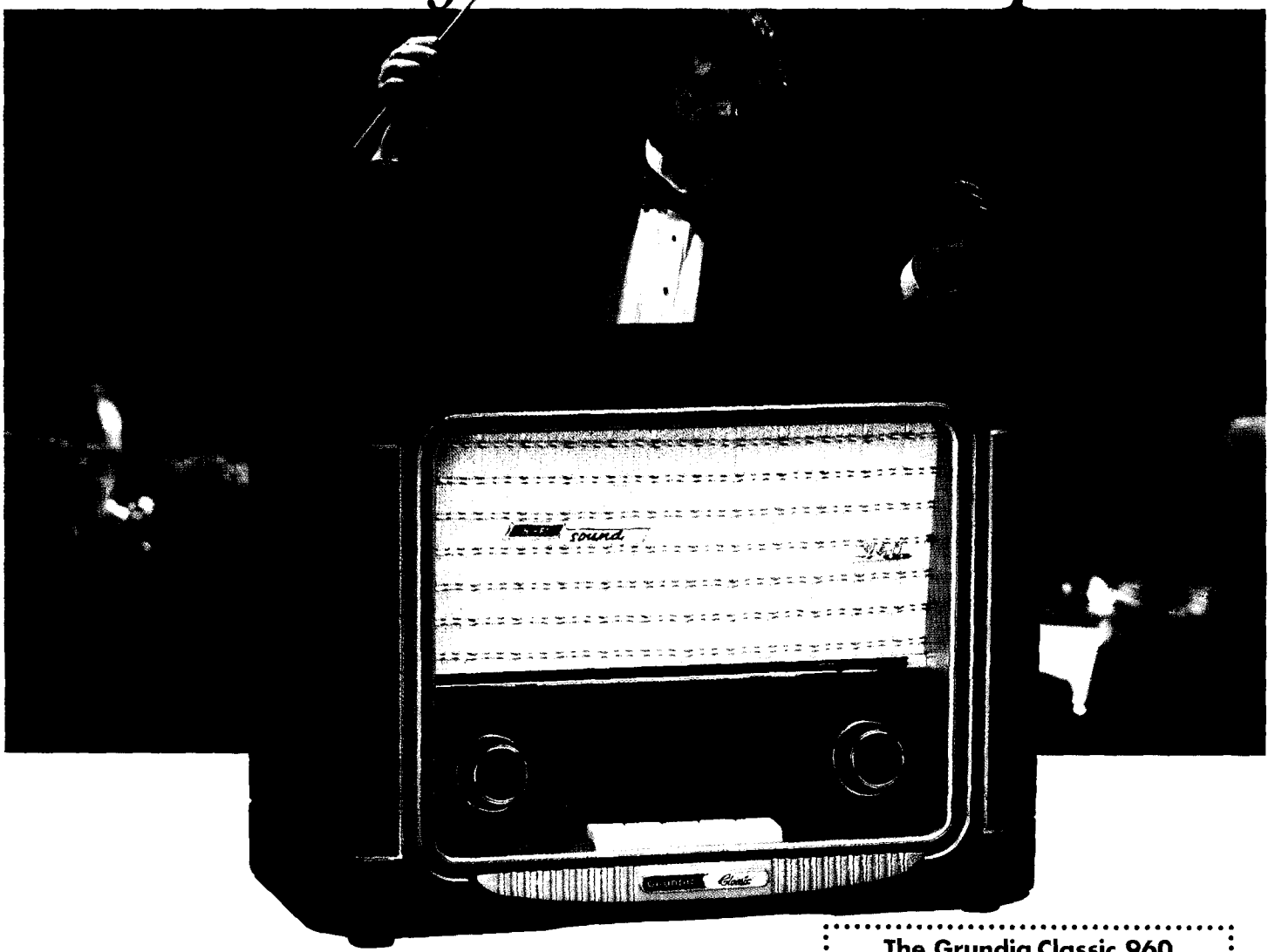

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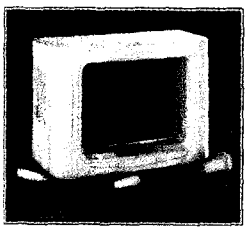

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A Yuppie Courts the Unions

Hillary makes a play for organized labor.

BY CHRISTOPHER CALDWELL

Buffalo, N.Y.

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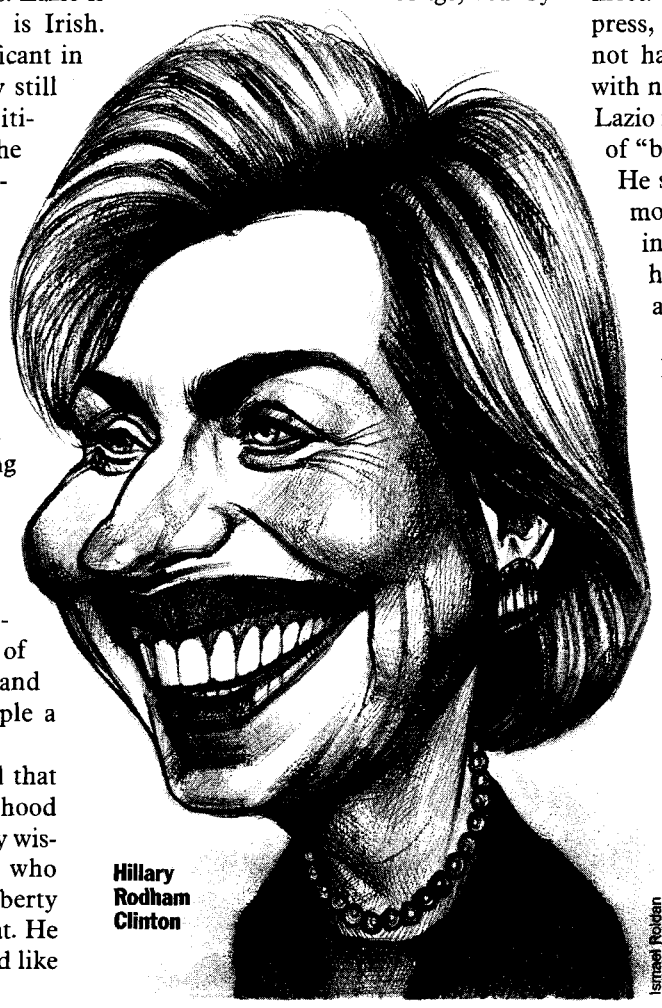

Hillary Rodham Clinton

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The Candidates' Foreign Policies

It's Bush's American exceptionalism versus Gore's liberal multilateralism. BY MARC A. THIESSEN

GEORGE W. BUSH sparked the first foreign policy skirmish of the 2000 campaign with his surprise announcement that, as president, he would consider making unilateral cuts in the U.S. nuclear arsenal, coupled with deployment of a national missile defense—whether or not other nations followed suit.

Vice President Gore immediately attacked Bush for his heresy in abandoning multilateral arms control, charging the Bush plan would "reignite the arms race," "hinder, rather than help, arms control," and "destroy" the ABM treaty, which Gore called "the cornerstone of strategic stability."

It was, at last, an honest exchange. For months, Gore has sought to frame a false debate on foreign policy, casting the election as a battle between the Democratic defenders of "internationalism" and the Republican "isolationist" hordes. In Boston in April, Gore called Governor Bush a captive of "right-wing, partisan isolationism" who would "build new walls, neglect new and urgent challenges, and pursue an irresponsible neo-isolationism."

This is patently dishonest. Governor Bush has firmly declared that as president he will pursue an internationalist foreign policy. But his idea of what constitutes internationalism differs markedly from Gore's.

Bush's "distinctly American" internationalism includes opposition to the Comprehensive Test Ban Treaty (because "it would stop us from ensuring the safety and reliability of our nation's deterrent"); a belief that America's U.N. arrears should be paid "only if the U.N.'s bureaucracy is reformed and our disproportionate share of its costs is reduced"; a commitment never to put U.S. troops under U.N. command; and a declaration that, while "America must be involved in the world, . . . that does not mean our military is the answer to every difficult foreign policy situation."

This is not isolationism—it's old-fashioned American exceptionalism.

The issue in this election is not whether America will be "isolationist" or "internationalist," but rather what kind of internationalism we will have in the 21st century. Two competing visions will be debated in the fall campaign: the "global multilateralism" of the Clinton-Gore Democrats, and the "American exceptionalism" of the Reagan-Bush Republicans.

Multilateralists define America's international commitment by her support for treaties and international organizations, which they see not as means to an end, but as ends in themselves. Faced with the spread of weapons of mass destruction, they respond with the CTBT, the ABM treaty, and a web of arms control pacts; faced with injustice, they respond with a panoply of human rights agreements and the creation of a permanent International Criminal Court; faced with the need for military intervention, they look first for authorization and affirmation from the United Nations, which they see as the sole source of legitimacy for the use of force in the world.

The multilateralists do not see

Marc A. Thiessen serves on the majority staff of the U.S. Senate Committee on Foreign Relations.

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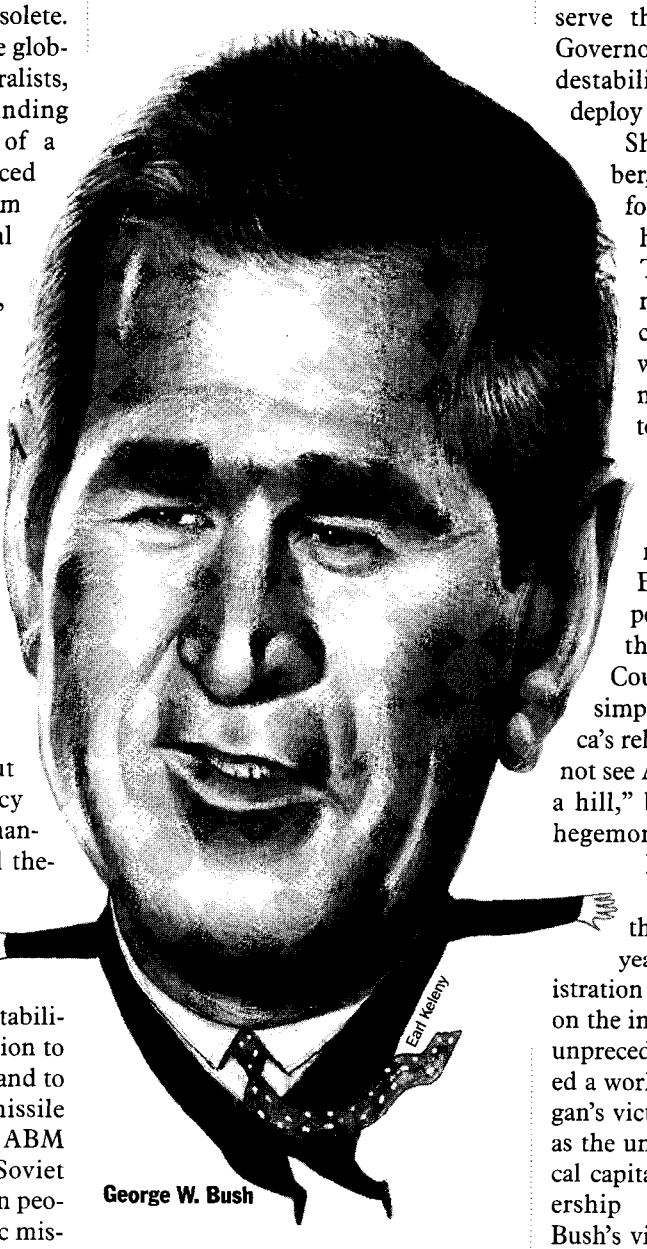
America as a unique nation with a unique role in the world. Rather, they believe, as deputy secretary of state Strobe Talbott wrote in *Time* magazine back in 1992, that "All countries are basically social arrangements . . . [that] are all artificial and temporary. . . . Within the next 100 years, nationhood as we know it will be obsolete. All states will recognize a single global authority." For the multilateralists, the principles of our Founding Fathers are outdated ideas of a bygone era, to be slowly replaced by a new international system based on global treaties, global laws, and global governance.

Exceptionalists, by contrast, view the principled projection of American power as the key to an effective internationalism. For security, they look first to concrete defenses. And, while exceptionalists seek to preserve America's freedom of unilateral action in the world, they also support well-negotiated treaties and strategic alliances such as NATO as ways to promote U.S. interests and spread American values.

Governor Bush has laid out an exceptionalist foreign policy vision. He has declared his emancipation from the arms control theology of the Cold War, rejecting the notion that scraps of parchment and Mutually Assured Destruction are the keys to peace and stability. He has made clear his intention to rebuild the American military, and to rely on a concrete national missile defense—not an antiquated ABM treaty negotiated with the Soviet Union—to protect the American people (and our allies) from ballistic missile attack.

Far from exiting the world stage, Bush has promised renewed U.S. leadership to halt the drift of the NATO alliance. As for multilateral institutions, he has agreed that "international organizations can serve the cause of peace" and that "the U.N. can help in weapons inspections, peacekeeping, and humanitarian efforts." But the key word here is "help"—which prompts the question: Help whom? Answer: a U.S.-led Western alliance.

Vice President Gore, by contrast, is an enthusiastic multilateralist. In his foreign policy roll-out address in April, he declared the beginning of the new "Global Age" (his caps), stating that the "traditional nation-state is changing—as power moves upwards . . . [to] supra-national institutions." He called for the United States to rely on "reinvigorated international and regional institutions" to champion an ambitious agenda: "stabilizing population growth, . . . the protection of children against sweatshop labor and the protection of the environment, . . . [and] promot[ing] the stable flow of investment around the world." He called for ratification of the Kyoto treaty on global warming and declared his intention to preserve the ABM treaty, chastising Governor Bush for his "dangerously destabilizing" plan to develop and deploy a national missile defense.



George W. Bush

Should Bush win in November, restoring an exceptionalist foreign policy will be one of his most difficult challenges. The rest of the world does not want a "distinctly American internationalism"—they want us to go along with the multilateral vision that Clinton promised but never delivered. Our European allies are ceding more and more of their sovereignty to supranational institutions like the European Union, the European Court of Human Rights, the International Criminal Court, and the U.N.—and they simply cannot understand America's reluctance to go along. They do not see America as a "shining city on a hill," but rather as a bully and a hegemon—a "hyperpower," as the French jealously call us.

This drift is largely due to the fact that, for the past seven years, the Clinton-Gore administration has left a leadership vacuum on the international stage at a time of unprecedented change. They inherited a world made safe by Ronald Reagan's victory in the Cold War, as well as the unprecedented prestige, political capital, and respect for U.S. leadership established by President Bush's victory in the Gulf War—and they squandered it.

Governor Bush has declared his intention to restore confidence in U.S. leadership. If he takes the White House, our allies may soon have to reacquaint themselves with a "distinctly American" foreign policy based on the traditions of American exceptionalism. ♦

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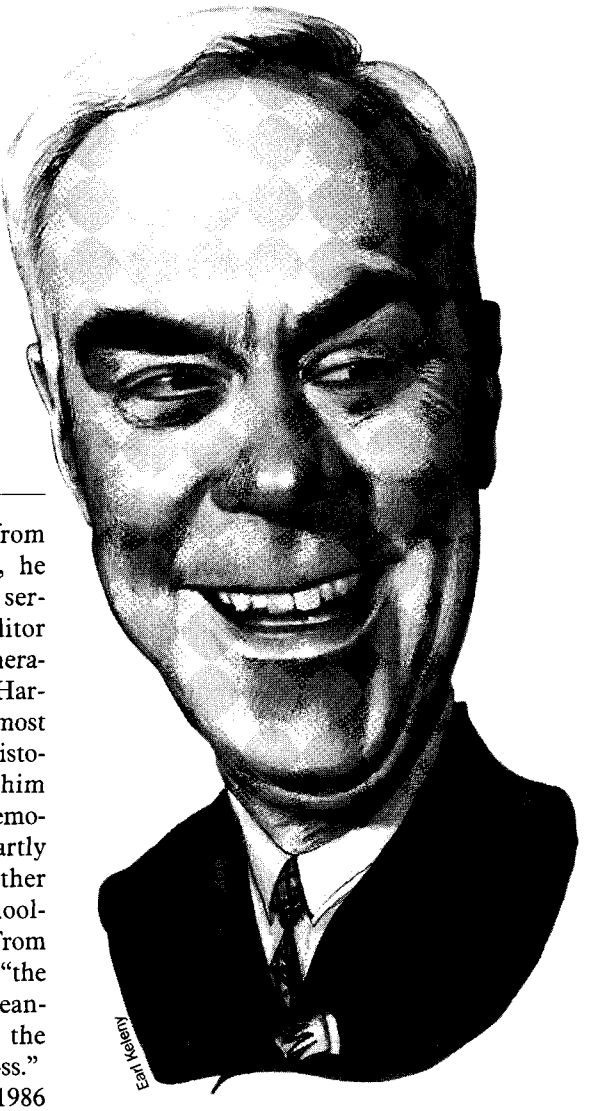
A Democrat for Life

Robert Casey, 1932-2000.

BY JOHN J. DIIULIO JR.



"WHY ARE YOU still a Democrat?" My favorite two-word answer to that question is "Bob Casey," the remarkable former governor of Pennsylvania who died last Tuesday at the age of 68.

Casey was everything we were taught to hold dear in my working-class family in Philadelphia. He was just the type of person that our parents and nuns wanted us to become. The son of a coal miner, Casey married his childhood sweetheart, Ellen Harding, stayed in Scranton, raised 4 sons and 4 daughters in a one-bathroom house, and bounced 28 grandchildren on his knee. He excelled in school and in sports, too. Well, almost. He passed up a tryout with the Philadelphia Phillies ("Spike" was a hell of a catcher) for a basketball scholarship to Holy Cross, where he warmed the team's bench. "I was in the lumber business," he joked.

John J. DiIulio Jr., a contributing editor of THE WEEKLY STANDARD, *was a member of Bob Casey's presidential exploratory committee in 1995.*

After getting his law degree from George Washington University, he came home and entered public service. He became the state's auditor general (1969-77) by chasing generations of patronage hacks out of Harrisburg and soon was one of the most popular politicians in the state's history. But his popularity betrayed him when in 1978 he lost his third Democratic primary for governor, partly because of confusion with another Bob Casey, a Pittsburgh schoolteacher, also running for office. From then on, he introduced himself as "the real Bob Casey." The press, meanwhile, was writing him off as the "Three-Time Loss from Holy Cross."

But Casey never quit. In the 1986 primary, he defeated Ed Rendell, the Philadelphia D.A. (who went on to become mayor and, now, chairman of the Democratic National Committee); and he won a close general election against the son of former Republican governor William Scranton.

Up for reelection in 1990, Casey faced moderate Republican Barbara Hafer, who called him a "rednecked Irishman" and made fun of his culturally conservative, staunchly pro-life views. He beat her by over a million votes and went on to put the finishing touches on a policy legacy that includes lower insurance premiums for average citizens, state budget surpluses, and one of the best programs ever for medically needy low-income children.

Casey came to national prominence in 1992. That year the U.S. Supreme Court upheld the 24-hour waiting period for abortions that he had signed into state law. Also in 1992, despite his having won the biggest electoral landslide of any governor in the country in 1990, and the next year having helped elect a Democrat, Harris Wofford, to the U.S. Senate seat vacated when John Heinz died, the Clintonites denied him an opportunity to address the Democratic convention. Pro-choice activists at the convention sold buttons depicting Casey as the pope. To deepen the insult, the Clintonites lent the podium to a pro-

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choice Republican from Pennsylvania.

"To me," Casey later reflected, "it was simply a case of anti-Catholic bigotry. What was going on here? What had become of the Democratic party I once knew?"

The answer, which Casey hated to admit, was that the party had lost not only its Reagan Democrats but its very soul. It had become dominated by men and women who would not know the kind of principled compassion that Casey lived out if they read about it in their overnight polls.

Many campaign experts have opined that if Casey had bent on abortion ever so slightly, he could have been president in 1992. But that "condition contrary to fact" (a favorite Caseyism) was morally and hence politically impossible for him.

In 1987 Casey had a heart attack. In 1993, suffering from a rare hereditary disease called familial amyloidosis, he underwent a 13-hour operation to replace his heart and liver. Again, he was counted out, but after a miraculous recovery and six-month leave from office, he returned to finish his term. In 1997 he was diagnosed with prostate cancer, and for the last two years he was plagued by debilitating, life-threatening infections.

Casey, however, did not go quietly. He loved to quote former vice president Hubert Humphrey on the civic mission of Democrats: to help "those in the dawn of life, those in the shadow of life, and those in the twilight of life." Help should come first from family, friends, neighbors, and churches, but then, if necessary, and as common sense and compassion dictate, from government.

Casey always fought to protect the little guy, and to him that meant everyone from unemployed coal miners to unborn children. "Let me state directly," he wrote in his 1996 autobiography, "abortion is the ultimate violence. For me it is a simple step in logic: If government has a duty to protect the powerless, then who among us is the most powerless, the most defenseless, the most voiceless? The answer is children." ♦

Picking a Winner, After the Fact

Those academic election forecasters aren't nearly as good as you've heard. BY IRA CARNAHAN

THE LATEST JOURNALIST to fall for the academic pseudoscience of election predicting is the *Washington Post*'s Robert Kaiser. In a dramatic front-page article on May 26 headlined "To Researchers, Election Is All Over but the Voting," he writes: "You didn't realize that Gore has won the election? A technicality. According to half a dozen political scientists who have honed and polished the art of election forecasting, the die is all but cast."

Ira Carnahan is a freelance writer in Washington, D.C.

Kaiser adds that "the academic prognosticators have a startlingly good record" and that most of their forecasting models "have picked the winner correctly in years since 1952 when the winner got 53 percent or more of the vote."

So should George W. Bush pack it in? Nope. In fact, none of the models predicting a Gore victory has much of a record. The incredible forecasting that the *Post* and other newspapers trumpet is based not on actual

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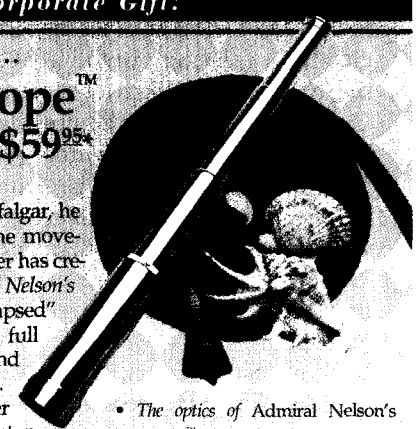

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predictions, but on the ability of recently developed models to produce accurate "ex post predictions" or "postdictions," as political scientists refer to them, of past elections. Two of the "leading academic forecasters" discussed in Kaiser's article—Christopher Wlezien of the University of Houston and Thomas Holbrook of the University of Wisconsin at Milwaukee—boast models that have correctly predicted just one election. To be sure, they have "postdicted" many earlier ones. But what does that really prove?

The true test is calling an election ahead of time. And that's hard. Kaiser may want to reread the clips at his own paper. In 1992, *Washington Post* polling director Richard Morin reported on the work of Yale University's Ray Fair, "perhaps the dean of presidential election forecasters" and the University of Iowa's Michael Lewis-Beck, "perhaps the country's preeminent election forecaster."

Morin reported that Lewis-Beck's forecasting model "has successfully picked the winner in 10 of the last 11 elections, missing only in 1960. In the past six presidential elections, Fair (who also picks the president) has not only gotten the winner right, but has come within 1.1 percentage points, on average, of estimating the winner's share of the popular vote."

That's a remarkable record. And how did these experts' predictions pan out in 1992? They didn't. Lewis-Beck predicted George Bush would hold the White House with 51.5 percent of the two-party vote. Fair forecast a Bush landslide, with a 55.7 to 44.3 percent margin over Bill Clinton.

Four years later, Yale economist Fair, the "dean of presidential forecasters," extended his losing streak, predicting that Bob Dole would take a majority of the two-party vote against Clinton. Getting this election wrong was no small feat. Throughout the campaign, Dole never once led Clinton in the polls. Yet Fair's model predicted Dole would come out on top.

The root problem isn't that election forecasters are dumb. It's that they lack the data they need to build reliable models. Most of the models are based on the historical relationship between the presidential vote and factors such as public opinion, the state of the economy, and which party currently holds the presidency.

Forecasters surely are correct to think the economy is crucial. They're also right to stress the importance of public opinion. But accurate economic data extend back only about a century, while the required polling data go back only to the election of 1948.

With so few elections since then, it's impossible to build a reliable statistical model. But that hasn't stopped forecasters from claiming they have. In *Before the Vote*, a recent book on election forecasting, James E. Campbell of the State University of New York at Buffalo writes that he has developed a "highly confirmed model that produces a very accurate forecast of the national two-party popular vote for president two months before the election."

How many elections has this "highly confirmed model" correctly called? Two. But Campbell is unabashed. After reviewing several of the major forecasting models and their results, he concludes that while a few issues remain, "the record of accuracy documented above would seem to be sufficient to convince all but an O.J. Simpson jury that the models warrant a high degree of confidence."

Yet the forecasting models, even when they do call the winner correctly (and there are, after all, only two major-party candidates), often do so with a large margin of error. In 1996, for example, Campbell predicted Clinton would get nearly four percentage points more of the two-party vote than he actually did.

In fact, all the major political science models over-predicted Clinton's 1996 share of the vote. Why this happened is unclear, but if the errors had been random, some models likely would have under-predicted the Democratic vote while others over-predicted it. That this didn't occur is further reason for caution in accepting forecasts of a Gore victory this fall.

Another problem with the forecasting models lies in what is known as "survivorship bias." That's the tendency of failed models to disappear, with only the most accurate ones surviving to be counted in statistics that measure the success of forecasting.

Exactly this sort of thing goes on with mutual funds. Funds that perform poorly are closed down or merged with more successful funds. That makes statistics showing that most funds outperform this or that benchmark misleading; the ones that don't outperform disappear and are never counted again.

For a good example of survivorship bias in election forecasting, consider the models of that "preeminent election forecaster" Michael Lewis-Beck. He and his coauthors used one model in 1988, another in 1992, and yet another in 1996. To be fair, switching forecasting models from one election to the next isn't uncommon. It's the norm; that's how the models are supposed to be improved over time. But it should send a signal to reporters that election forecasting is an endeavor still in its infancy, not one with a "startlingly good record."

The fact that social scientists have such a hard time predicting should also make us skeptical about their ability to explain. Predicting and explaining are two sides of the same coin. To predict who's going to win an election, you have to understand the determinants of the vote. To explain why the winner won, you have to understand the same thing.

The main difference between a prediction and an explanation is that a bad prediction is much harder to hide. And that's why, in the end, the reporters who get social scientists' predictions on the record are performing a useful public service. ♦

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I Edited the Unabomber

Strange to say, his first published piece was in a humor column. BY MARTIN LEVIN

ACCORDING TO a news report, the Unabomber has a 548-page book on the list of a small publisher, who's quoted as saying that parts of the book are "disarming, even funny."

"Disarming" may be an unfortunate choice of words, but I can testify that "funny" could be applicable. That's because I recently came to realize that I was the Unabomber's original editorial patron. It came as a shock to discover that his only non-polemical piece to see the light of day had appeared in the "Phoenix Nest," my humor column that ran in *Saturday Review* for a number of years.

I was made aware of this when we moved a short time ago, and I began to throw out a kitchen midden of memorabilia. Some items I felt I had to keep as collectibles, like my mother-in-law's recipe for hazelnut cookies and my father's draft notice for the army of Czar Nicholas II. Others I thought I could toss out en masse, like the paperwork for "Phoenix Nest."

This column was a miscellany of humor written by contributors who received an honorarium for their work. Which was responsible for the basketful of cancelled checks I was discarding without too much thought. Some checks were made out to the illustrious—James Thurber, George S. Kaufman, Ogden Nash, Peter DeVries, and the like. Others were made out to writers yet uncelebrated. All had in common the gift of wit. Trust me.

By pure chance, I spotted one cancelled check made out to an author named Kaczynski. Kaczynski? Theodore J. Kaczynski. The Unabomber!

I hadn't kept the decades old *Saturday Review* issue, but the catacombs of Columbia's Butler Library turned up microfilm of a satire entitled "The Wave of the Future." In the future, speculates Kaczynski, cities will be covered by "vast domes" to control the climate. The only question is whether these domes should be opaque or transparent.

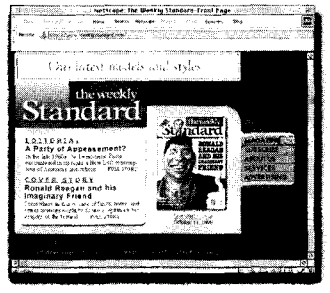
Kaczynski votes for transparent domes "so people can look at the sky"—not the haphazard heavens we are familiar with, but a sky defined by "cloud control." On the premise that "it is not good for science to have no control over something," Kaczynski sees a future when the technologists will have control over everything, including the shape of cloud formations. "Clouds will be timed so accurately that you will be able to set your watch by them. . . . And if anybody doesn't like all this, the psychologists of the future will be able to fix him so he does like it."

It would be helpful to find a clue to criminality in the Unabomber's satire. Especially since David Gelernter, Kaczynski's most articulate casualty, is my favorite social critic. But with this piece as Exhibit A, I can find no more sociopathic symptoms than in Orwell or Swift. Maybe I'm a poor psychobiographer.

Kaczynski bristles at the management of society by technocrats. "The Wave of the Future" is a prophetic swipe at a nanny-state that has tried to monitor everything from ozone depletion to toilet flushing. Can't find fault with that. Somewhere along the way, however, it's obvious that Kaczynski plunged disastrously off the rails.

My conclusion is inconclusive. A writer's bad vibrations (like those of Ezra Pound) are sometimes packaged with the product. But criminal tendencies don't always surface in an author's work. O. Henry's short stories don't dwell on his jail time for embezzlement, you can't tell from the historical novels of Anne Perry that she was an accomplice to a murder, and, yes—the Unabomber could write funny. Go figure. ♦

Martin Levin is a writer in New York.



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"Help Wanted"

"Well, look," said I. "I didn't say it didn't happen. I say it could. I say it even should."

"So, tell," I was told.

"Help Wanted ads appeared in most New York State magazines and newspapers. The job of senator was open. Out of many applicants, two were selected. They were Hillary Rodham Clinton, an old hand and Rick Lazio, a new face."

"Upstairs" selected a screening committee composed of three women and three men. For the ladies, were Martha W., Eleanor R., and Mamie E. The three gentlemen were Woodrow W., Ulysses G., and Harry T.

In a room just large enough for the committee and one applicant at a time, Woodrow W. opened the questioning with Rick Lazio, "Rick, your qualifications please."

"Honestly, Sir, I'm not a rookie. I'm not an old hand. I have an open mind. I'm learning from the mistakes and accomplishments of others. I have a wonderful wife I love. I have two daughters I adore and a country deserving of my best."

"Rick," Harry T. asked, "what if you had to make a decision affecting the lives or deaths of hundreds of thousands of people?"

"Sir, I'd go to church. I'd pray for guidance. I'd ask you to help me decide as once you so bravely did yourself. Nothing will parallel your decision. I know that. But that's my answer."

"Son," questioned Ulysses G., "How would you go about selecting men and women upon whom you'd depend for council and advice?"

"General, I'd review the difficulties Mr. Lincoln had before selecting you to command the Union Army. For all of us, it was fortunate, at last, that he chose you."

Rick left the room. He was told to wait just outside. Hillary Rodham Clinton then entered by another door and sat down.

Eleanor R. began, "Hillary, dear, I'm told you consider me a role model. Thank you for that. But should you really run for the senate in the first place?"

"Why, yes, Mrs. R. I should continue my husband's legacy."

"In all honesty, were you not his wife, wouldn't you really stop to consider what kind of legacy he'd leave behind?"

"He's my husband."

"And so he is. He's the father of the daughter you both love. Is it fair to her or yourself to relive the scandals that will erupt and plague your husband's name if you do run for the Senate?"

"Let the past bury the past," answered Hillary.

"Unfortunately, dear Hillary," Martha W. observed, "for your husband, his legacy and his past will forever be the present, so profoundly has he shamed you, your child, the nation, and the presidency itself."

"Really," added Mamie E., "Your husband's personal life will be public. If you run for the Senate, you run the risk of unavoidably keeping the disgraceful past current and alive."

"Then what should I do?" Hillary asked in desperation.

The committee huddled for a time. Hillary waited anxiously for their reply. Then Eleanor R. spoke for all of them. "Don't run for the Senate. The deep wounds to you and your child will not heal if you do. Pursue some kind of mission that brings you in touch with the women of the world, their children and their husbands too. Repair the damage, that way, to your husband's name, to the presidency, to the nation. You can. You will if you go in that direction."

Sadly, Hillary brushed away a tear. She smiled. She thanked them. She left.

Just outside the exit door she confronted Rick Lazio. "Good luck, senator, all the best," she said to him in touching sincerity.

"But it's not over yet," Rick Lazio replied.

"Oh yes it is," said she. "I should have known it long before." She reached up to Rick and kissed him on his cheek. She turned and left.

Rick Lazio thought to himself, "Suppose she's right." Time would tell. She was and so was the committee.

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The Courts and Abortion

If the Supreme Court overturns Nebraska's ban on partial-birth abortion, the rationale could be even scarier than the decision.

By Richard W. Garnett

After an eight-year hiatus from the abortion controversy, the Supreme Court will decide later this month in *Stenberg* v. *Carhart* whether Nebraska may outlaw partial-birth abortion, a practice that even so resolute an abortion-rights supporter as Sen. Daniel Patrick Moynihan says cannot be distinguished meaningfully from infanticide. As is often true in high-profile cases these days, the outcome in *Carhart* will depend on the inclinations, reactions, instincts, and emotions of Justices Anthony Kennedy and Sandra Day O'Connor. The consensus among Court-watchers, based on these justices' questions during the April 25 oral argument, is that things look bleak for the Nebraska ban. George Washington University law professor Jonathan Turley pronounced that the smart money "would be against the law surviving Supreme Court review." And it's a good thing too, NOW's Patricia Ireland insisted, because banning partial-birth abortion is just a "strategy by antiabortion-rights people to end all abortions."

Pro-choice scare tactics notwithstanding, the Court's decision in *Carhart*—even if Nebraska's ban is upheld—will certainly leave the basic right to abortion untouched. *Roe* v. *Wade* is safe. Still, the case is crucial to pro-lifers' efforts to stave off what Pope John Paul II has called "the culture of death." After all, pro-choice arguments generally assume that the lives of unborn children must yield to women's autonomy *precisely* because they are "unborn." Abortion-rights advocates do concede—for now, at least—that babies enjoy full legal protection once these children are "born." The state of Nebraska, its attorney general Donald Stenberg told the justices, has drawn "a bright line between infanticide and abortion." The question for the Court is whether states may draw such lines—and, more precisely, whether Nebraska's line is "bright" enough—to prevent us from sliding into the barbarism of legal infanticide.

The last time the Court squarely confronted abortion rights, in *Planned Parenthood* v. *Casey* (1992), it retooled but refused to repudiate the right it had created two decades earlier in *Roe* v. *Wade*. Writing for a narrow majority, Justices Kennedy, O'Connor, and Souter elevated pop existentialism and talk-show narcissism to constitutional principle, insisting in the now-famous "mystery passage" that "the heart of [the] liberty" protected by the Fourteenth Amendment from state interference is "the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." Evidently wearied by abortion opponents' dogged persistence, these justices tried to scold them into silence as they called on "the contending sides of [the] national controversy to end their national division by accepting a common mandate rooted in the Constitution." The Court *locuta est; causa finita est.*

The Court's admonitions notwithstanding, the "contending sides" were soon at it again, this time over partial-birth abortion—also known as "intact dilation and extraction," or "D&X." Martin Haskell, a veteran of over 1,000 such abortions, described the procedure at an abortionists' conference in 1992:

> A woman who is pregnant between the fifth and sixth month has the opening of her womb dilated over two to three days. Instruments are then used to reach into the uterus and grab the feet of the fetus. . . . The fetus is delivered until only the head remains inside the womb. The operator then uses a knife to make an opening in the base of the skull and a suction tube is inserted into the skull and the brain is sucked out. The skull then collapses, killing the fetus and allowing for delivery of the fetus in one piece.

Richard W. Garnett is an assistant professor at Notre Dame Law School. He was a law clerk to Judge Richard S. Arnold, the author of the 8th Circuit's decision in Carhart, *in 1995-1996.*

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It gets worse. Brenda Pratt Shafer, a former abortionists' nurse, has elaborated:

> The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall. Then the doctor opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic. But I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen.

The thought of doctors stabbing a late-term baby in the head and sucking its brains out, even as the child kicked and flinched, was almost universally horrifying. Repulsed by Haskell's ghoulish craft, generous but not veto-proof bipartisan majorities in Congress twice have attempted to outlaw it. President Clinton has twice vetoed the bans. Thirty states have enacted their own prohibitions, although more than half of these bans have been blocked or invalidated in federal courts. Two federal appeals courts reached different results in state cases, setting up *Carhart* for the Supreme Court.

Under Nebraska law, an abortionist performs a "partial-birth abortion" when he "deliberately and intentionally" delivers vaginally a "living unborn child" or "substantial portion thereof" before killing the child and completing the delivery. The legal issue in *Carhart* is relatively straightforward: Is "partial-birth abortion," as defined, so much like the more common "dilation and evacuation," or "D&E," abortion method that a ban on the former would effectively outlaw the latter, thereby imposing an "undue burden" on the right to abortion? The 8th U.S. Circuit Court of Appeals, in an opinion by one of the nation's most respected federal judges, said "yes," and Justice O'Connor's questions suggest that she agrees.

At first, the argument offered up by LeRoy Carhart, Nebraska's only late-term abortionist, seems bizarre. Doesn't *everyone* know what the Nebraska legislature meant to prohibit, and doesn't *everyone* know that Nebraska did not intend to ban substantially all mid- and late-term abortions? As one federal judge put it, "partial-birth abortion" might not be a legal or medical term, but "members of . . . many legislatures around the country and a significant majority of the U.S. Congress seem to have a grip on what they want to outlaw." Nevertheless, the 8th Circuit described, in eerily passive voice how, in both D&E and D&X abortions, "the physician brings a part of a living fetus out of the uterus into the vagina. In a D&E procedure, fetal demise will occur after dismemberment. . . . During a D&X procedure, fetal demise will occur some time after the physician has evacuated the cranial contents. In either procedure, fetal demise will generally occur within a matter of minutes, and after part of the fetus has been brought out of the uterus into the vagina."

The decision and arguments in *Carhart* illustrate, among other things, how the terms of the partial-birth-abortion debate have shifted strikingly as it has moved from the legislative to the judicial arena. In Congress, pro-choice legislators insisted, as did President Clinton, that partial-birth abortion is exceedingly rare, employed only in the last months of pregnancy and only when the mother's life was at risk or when the unborn child was gravely deformed or disabled. These were, we now know, lies. As it happens, thousands of children are aborted this way each year, for purely elective reasons, and—according to pediatric surgeon and former U.S. surgeon general C. Everett Koop—partial-birth abortion is *never* necessary to protect the life or health of a woman.

In the courts, though, the argument against partial-birth-abortion bans is that they would prohibit *too many* abortions. Partial-birth abortion is no longer an "unpleasant" rarity, reserved only for the most tragic cases. Instead, it turns out not to be much different from other kinds of abortion. As 7th Circuit judge Daniel Manion has pointed out, the bans' opponents now "graphically describe the gruesome details of routine abortions in order to equate them with the D&X procedure that the statute describes." The point of this rhetorical shift is not to establish that these other, gruesome procedures should *also* be banned, but to argue that, because

Richard Posner

Illustration by Fred Harper

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all abortion is gruesome, no particular method may be outlawed, either by Congress or the states.

This shift in argument has been almost uniformly successful in the lower courts. Still, Nebraska's attorney general has insisted that "federal courts have a duty to try to save, not destroy, democratically developed legislation" and that, even were there any doubt about the intended scope of the ban, the Court should look for clarification to the legislative history, and to the state's own reading, rather than to abortion supporters' disingenuously expansive interpretations. Carhart, on the other hand, insists that the statute cannot be narrowed and should not be rewritten by a federal court. What's more, he insists, even a clear, precise, and limited ban on partial-birth abortion would force women "to undergo undesired and unnecessary medical procedures and prevent some of them from undergoing the safest method of abortion." Such a ban "serv[es] no legitimate state interest" and has the "impermissible purpose of elevating legal protection of the fetus to the detriment of women's health and liberty."

What will the Court do? Justice O'Connor seemed sympathetic to the argument that all abortions are "gruesome" and that Nebraska's partial-birth statute might therefore be construed to prohibit too many abortions. And Justice Kennedy, the other likely swing vote on the bench, appeared concerned about the statute's lack of a health-of-the-mother exception. Turley is probably right; the smart money is on a ruling striking down Nebraska's ban.

If the justices do strike down Nebraska's prohibition, it matters how they do so. The least significant decision would be a narrow one, perhaps with language or concurring opinions instructing states on how to draft a constitutional prohibition. The most dramatic—and disturbing—scenario would be an endorsement by the justices of the chillingly candid partial-birth-abortion opinions of Judge Richard Posner of the 7th Circuit Court of Appeals.

In October 1999, the full 7th Circuit voted 5-4 to uphold partial-birth-abortion bans in Wisconsin and Illinois. The majority recognized that the "states are concerned about the D&X procedure and did not set out to forbid any other," and was not distracted by opponents' attempts to manufacture ambiguity or expand the statutes' reach. Posner dissented: Not only did the ban apply to other procedures like D&E, and therefore impose an "undue burden" on the abortion right, the ban and others like it were, he concluded, fundamentally and unconstitutionally "irrational." After all, partial-birth abortion bans

> do not protect the lives of fetuses either directly or by seeking to persuade a woman to reconsider her decision to seek an abortion. . . . The statutes do not seek to protect the lives or health of pregnant women, or of anybody else . . . . The statutes do not outlaw a particularly cruel or painful or horrifying mode of abortion. . . . From the standpoint of the fetus, and, I should think, of any rational person, it makes no difference whether, when the skull is crushed, the fetus is entirely within the uterus or its feet are outside the uterus. . . . No reason of policy or morality that would allow the one would forbid the other.

What of the humanitarian impulse to lessen the pain to the unborn victim? Irrational: "Wisconsin's statute cannot be analogized to statutes that prohibit cruelty to animals." Or what of the objection that partial-birth abortion crosses the line between controversy and barbarism? Irrational: "[A]ll abortion procedures, and indeed a vast number of surgical procedures . . . , including forms of cosmetic surgery that strike many people as frivolous, are bloody and horrible."

Can Judge Posner really mean this? As Judge Manion pointed out, partial-birth abortion "is no routine surgical procedure. In a gall bladder operation, for example, the doctor removes and destroys a diseased organ, leaving behind a healthier person. . . . In a Caesarean delivery, . . . the doctor snips the umbilical cord and removes a live baby. In partial-birth abortion, the doctor snips the brain stem and removes a dead baby." No, Posner insisted, the only explanation for the ban is the public's "sheer ignorance." Duped by "activists" determined to "whip up" a fervor, the public mistakenly "thought the D&X procedure gratuitously cruel, akin to infanticide." But Posner knows better: The bans are less about saving babies than about "making a statement in an ongoing war for public opinion."

It is tempting to think that Judge Posner's brutal frankness, and his creepy impermeability to revulsion, could lead to a reaction in *favor* of the ban. After all, could the Justices *really* find it *irrational* to cringe legislatively at the "evacuation" of the "cranial contents" of babies inches away from birth? Isn't it true, as Judge Manion suggested, that the "apparent (or at least plausible) perception that [partial-birth abortion] is cruel and gruesome is comparable, albeit on a lesser scale, to the state's legitimate interest in the criminalization of the killing of animals through decompression or the shooting of caged animals"? As Manion notes, "These statutes do not save any animals; they merely regulate the manner in which they are killed."

But perhaps Posner has a point. Maybe emotional revulsion is an awfully thin basis for law, or indeed, for any other sort of action that aspires to reasonableness. Per-

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haps, but partial-birth-abortion bans are about more—if more is needed—than queasiness; they reflect a considered judgment that we are edging close to depravity. As the Court's assisted-suicide decision, *Washington* v. *Glucksberg* (1997), makes clear, the states may put up fences along the "slippery slope." In *Glucksberg*, the Court reaffirmed the states' valid and "unqualified" interest—one that is "symbolic and aspirational as well as practical"—in the "preservation of human life."

Such line-drawing is both permissible and urgently needed. Moynihan correctly observed that, even for reasonable abortion-rights supporters, partial-birth abortion is simply "too close to infanticide." And it might be even closer than he imagined. The abortionist, recall, holds the kicking feet of an infant just inches from being born. He then has to "evacuate the contents" of the "fetal skull" because "the cervix is not dilated enough to allow the head to pass through." But what if it is? What happens then?

This is not a frivolous question. During a heated exchange last year in the Senate between Rick Santorum and Barbara Boxer—the chief antagonists in the partial-birth-abortion fight—Santorum pressed Boxer to draw lines. After initially suggesting that a child lacks rights until "you bring your baby home, when your baby is born," Boxer quickly retreated. But Santorum persisted: What if the baby has been delivered except for just a *foot*? What if just a *toe* has not been delivered? Can the baby still be killed? "We are trying to draw a line here," said Santorum. But Boxer had had enough: "I am not answering these questions! I am not answering these questions."

But "these questions" must be answered—and the Court should permit the states to try to answer them—because, as Judge Posner allowed, abortions sometimes "(unintentionally of course) produce a live birth." But Posner averted his gaze from what might happen next. He drew the curtain to shield precisely the scene that partial-birth-abortion opponents warn of and that its defenders fear the public will consider—a doctor, perhaps with the help of a nurse, holding down and killing on a table a live baby.

In the end, the hallmark of democracy is, for better or worse, informed debate among those who must live under the law. On partial-birth abortion, that debate is happening—Judge Posner's attack on the public's "sheer ignorance" notwithstanding. The justices should not high-handedly try to cut it short. ♦

Michael Ramirez

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Why Didn't Bacon Get Fried?

The Pentagon's anti-Tripp leakers get a slap on the wrist, and the Privacy Act a slap in the face.

By Jay Nordlinger

It's just a small matter, in all the Clinton grossness, but it counts. Linda Tripp was the victim of a dirty, and illegal, trick. It was played on her by her own bosses at the Pentagon. And now those men—Kenneth Bacon and Clifford Bernath—have escaped with the wispiest slaps on the wrist. This is ho-hum for the Clinton administration; but it is a reminder of how unlawful and indecent this administration has been.

Before this little affair slides all the way down the memory hole, recall the essential facts: In January 1998, the Lewinsky scandal exploded on Bill Clinton's head. From the point of view of the White House, Linda Tripp was the major villain. It was therefore a matter of urgency to discredit her. In March, Jane Mayer, a Clinton-friendly reporter for the *New Yorker*, acquired what seemed a valuable piece of information: Tripp, as a teenager, had been arrested for larceny. Mayer put in a call to Ken Bacon, assistant secretary of defense for public affairs. He was an old friend; the two had worked together at the *Wall Street Journal*. Mayer had an amazingly specific question for him: How had Tripp responded to Question 21, parts *a* and *b*, on Form 398? This was a highly sensitive national-security questionnaire, under the eye of the Privacy Act Branch of the Defense Security Service; Question 21 dealt with arrests and detentions.

Bacon quickly swung into action. He ordered his deputy, Cliff Bernath, to get Mayer her answer. Hours before the reporter's deadline, Bernath told her not to worry: "Ken has made clear it's priority." Moving heaven and earth, and alarming career officers as he went, Bernath delivered—right on time.

It looked like bad news for Tripp: She had not, in fact, disclosed on Form 398 her 1969 arrest. Bernath told the *New York Times* that Tripp faced the "very serious charge" of lying to the government. Defense secretary William Cohen declared on CNN that Tripp was "guilty of a contradiction of the truth," which would be "looked into." It soon emerged, however, that Tripp's arrest had been the result of a juvenile prank, perpetrated against her. The judge had reduced the charge to one count of loitering, telling her, as she recalled it, that her record would be clear. The Pentagon, rather sheepishly, dropped its investigation of Tripp. Instead, Congress demanded that the department investigate Bacon and Bernath—for violating the Privacy Act. In their attempt to help Mayer nail Tripp, the two men seemed to have nailed themselves.

The Pentagon's inspector general, Eleanor Hill, duly launched an investigation. The case being clear-cut, it didn't take her long to find that Bacon and Bernath had indeed violated the Privacy Act. In July 1998, she referred the matter to the Justice Department—which then sat on it for almost two full years. This would have been incomprehensible in any other administration. Only in April 2000 did Justice announce that it would not prosecute. Incredibly, the department claimed that there was "no direct evidence upon which to pursue any violation of the Privacy Act."

It was then left to Secretary Cohen to determine a penalty for Bacon and Bernath—if any. What he decided to do was write a letter expressing his "disappointment" in the men. Each would receive a copy. In this letter, Cohen said that his subordinates' actions had been "hasty and ill-considered." He noted that, at the time of the incident, they and others at the Pentagon were under instruction not to release anything concerning Tripp without first consulting department lawyers. The strongest language he used was "serious lapse of judgment." But this was balanced against "the very high quality of the performance that you have otherwise exhibited." Amazingly, Cohen

Jay Nordlinger, managing editor of National Review, *has written extensively on the Bacon-Tripp scandal for* The Weekly Standard.

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told the press that "there was no attempt to injure Miss Tripp's credibility or her reputation."

Contemplating this, Dick Morris, the former Clinton adviser, had no choice but to remark, "Generally, it is a good political rule never to say anything that the average 6-year-old knows isn't true."

The most striking thing about the Cohen letter is that it will not even be placed in either Bacon's or Bernath's permanent file. According to the Pentagon, this is not a letter of reprimand. A department spokesman, Craig Quigley, described it as "a personal letter to both Mr. Bernath and Mr. Bacon." Incredulous, a reporter said, "So, it's not a letter of reprimand?" "No," said Quigley. "Well, what would you call it?" Said Quigley, "It's an official letter expressing the secretary's disappointment in the judgment" of the two officials.

Quigley, like his boss, Bacon, also persisted in the fiction that the leak to Mayer was no big deal—a matter of routine, just business as usual. "This information was taken in the normal course of the day." It was "done very clearly and above board." You know how it is at the Pentagon: "A reporter will call with a question or request for data of some sort, and it's provided as best we can." Anyone who has ever covered, or tried to cover, the Defense Department will gladly tell you this is rot. Quigley trotted out another line as well, one that is increasingly becoming the Bacon defense: "You always do a balancing act between the Freedom of Information Act and the Privacy Act." This assertion is absurd: Form 398 is strictly a Privacy Act document.

After Cohen's non-reprimand, a few Republicans properly cried bloody murder. Sen. James Inhofe of Oklahoma accused the Pentagon of "a whitewash and a cover-up." He said that "the law was broken, and nothing is being done about it." The failure to punish the leakers would "send a signal to millions of federal civilian and military employees that their private government records can be made public for political purposes, and no one will be held accountable."

For their part, Bacon and Bernath are denying any violation of the Privacy Act. At a press conference, Bacon was asked whether he would apologize to Tripp. "Well," he replied, "I have already issued the apologies that I have to issue." (He didn't specify what those were.) "I don't think that I performed unlawfully," he continued. His only regret was that he had not "checked this with lawyers." In an official statement, Bacon said, "It certainly never occurred to me that the Privacy Act would preclude disclosing how a public figure recorded a public arrest record on a security clearance." And here is more, perhaps Bacon's richest utterance to date: "I obviously knew that this was an issue of considerable public concern and that the public had an interest in knowing whether Ms. Tripp had accurately acknowledged her arrest record."

Bernath, the junior partner in the enterprise, following orders, although blindly, was similarly unbowed, saying, "My actions were not only legal, but also ethical and correct."

Meanwhile, Tripp is suing both the Pentagon and the White House for Privacy Act violations and witness intimidation. This suit may in fact have been on Cohen's mind when he declined to take serious action against his guys. Cohen gave the game away somewhat on *Meet the Press*, saying of Bacon, "He is now the subject of a major lawsuit. And so he will continue to be held accountable to the legal process." This is exactly the sort of thinking that worries many observers, including Joseph diGenova, a former U.S. attorney with long experience in this area. Says diGenova, "The treatment of Bacon and Bernath suggests that the Privacy Act will be enforceable only in civil lawsuits filed by the victims. If there's no adverse action—not even a letter that goes into somebody's file—there's no deterrence here. None whatsoever." In other words, "Don't leave it solely to the victim, who has to pay lawyers and so on, to enforce her rights under the Privacy Act. The government should enforce those rights, especially given that it was government people who broke the law."

The president and his men have a bit of a history with the Privacy Act. You perhaps remember Passportgate. Toward the end of the 1992 presidential campaign, it was learned that political appointees in the Bush State Department had rifled through candidate Clinton's passport files and those of his mother. Democrats demanded an independent-counsel investigation. They got one—led by diGenova. One of the officials involved, Elizabeth Tamposi, was dismissed. The acting secretary of state, Lawrence Eagleburger, offered to resign over the matter (President Bush refused). Said Clinton, in his first press conference as president-elect, "If I catch anybody doing [what the passport-file offenders did], I will fire them the next day. You won't have to have an inquiry or rigmarole or anything else."

About a year later, Passportgate had something of a reprise, this time featuring appointees in Clinton's own State Department. A few of them got hold of Bush-administration personnel files and leaked them to Al Kamen of the *Washington Post*. Kamen thus had the following story: "Guess whose working file was empty? That of very controversial longtime Bush employee Jennifer Fitzgerald." Kamen, of course, was being coy here: Fitzgerald was the woman rumored to have had an affair with President Bush. Kamen was also able to report that Elizabeth Tamposi's file included "concerns from very senior State

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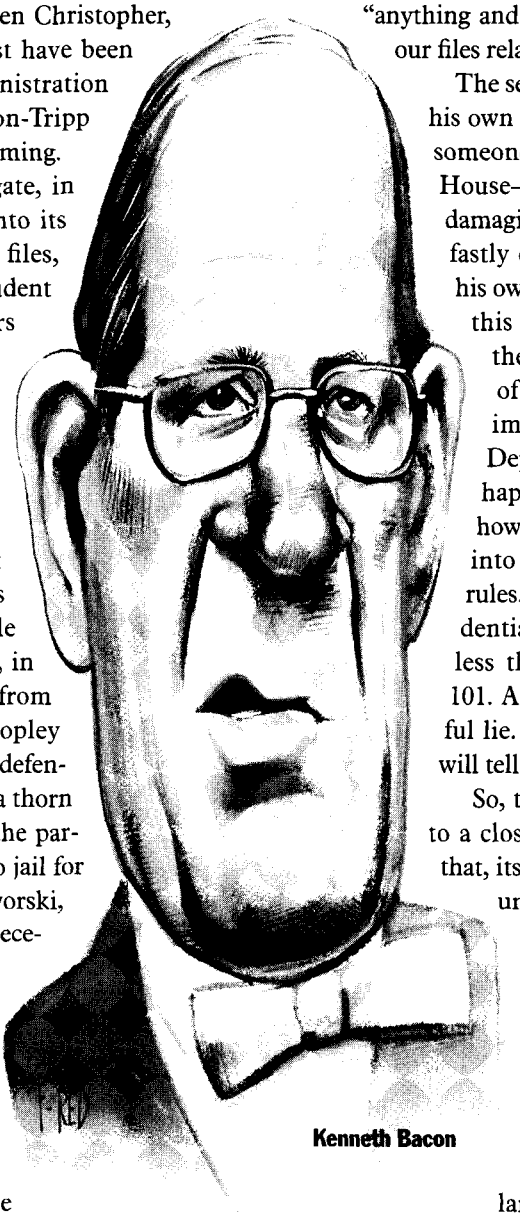
Department types that she was not ready for an assistant secretaryship."

Immediately, the State Department's inspector general, Sherman Funk, began an investigation. He found that two employees—Joseph Tarver and Mark Schulhof—were stone-cold guilty. Funk told Congress that the pair had engaged in "criminal violations of the Privacy Act provable beyond a reasonable doubt." The Justice Department (developing a pattern) refused to prosecute. In November 1993, the department secretary, Warren Christopher, fired Tarver and Schulhof. This must have been one of the last acts of Clinton-administration honor. The contrast with the Bacon-Tripp case—in this last respect—is overwhelming.

Then, of course, there was Filegate, in which the White House gathered unto its bosom hundreds of Republican FBI files, including Linda Tripp's. And the president himself was prompt to release letters from Kathleen Willey—a woman who had accused him of improper sexual conduct—when it was convenient.

If all this didn't begin with Watergate, it was certainly enshrined there. When the Bacon-Tripp story first broke, Charles Colson reminded this magazine that it was to a Bacon-style disclosure that he had pleaded guilty, in 1974. He had released information from Daniel Ellsberg's FBI file to the Copley Press, at a time when Ellsberg was a defendant in the Pentagon Papers case and a thorn in the Nixon administration's side—the parallels to Tripp are neat. Colson went to jail for this. The special prosecutor, Leon Jaworski, rejoiced that Colson's plea had set a precedent: No longer would political appointees so readily smear their foes in this way. Indeed, the Privacy Act was a post-Watergate reform, intended to check Nixonian abuses.

Says diGenova, "The Bacon thing is a facial and obvious violation of the Privacy Act. It is *made* for it." Bear this in mind: "Linda Tripp was engaged in a very public dispute with the president." His presidency hung in the balance; he, like Nixon before him, was on the road to impeachment. "This is *precisely* the kind of circumstance that Congress had in mind when it gave us the Privacy Act. And not to punish this conduct is a very serious mistake."



Kenneth Bacon

Illustration by Fred Harper

Apart from Tripp's lonely lawsuit, this affair has now reached an end. Yet two questions hang over it. First, Who gave Jane Mayer that promising tidbit from Tripp's past? Mayer says that it was a former wife of Tripp's father. Others—not necessarily full-time conspiracy theorists, either—wonder whether that's the full story. Team Clinton had every reason to dig for dirt on Tripp. The chief recordkeeper in the White House, Terry Good, testified in a deposition that the White House counsel's office had requested "anything and everything that we might have in our files relating to Linda Tripp."

The second question is, Did Bacon act of his own initiative? Or was he prompted by someone—presumably at the White House—to let fly what appeared to be damaging information? Bacon has steadfastly claimed that he acted entirely on his own, with no order, wink, or nod. But this strikes most people familiar with the workings of the Pentagon—and of the Clinton camp generally—as implausible. A veteran Defense Department hand told us, "Couldn't happen, didn't happen, no way, no how. Remember: Everyone who comes into public affairs is told Privacy Act rules. You don't release someone's confidential information—to anyone, much less the media. This is Public Affairs 101. And Bacon is perpetrating a shameful lie. Any professional in the building will tell you the same thing."

So, the Clinton administration lurches to a close, its players going this way and that, its loose ends being tied up, however unsatisfactorily. Jane Mayer, the little lady who started this not-so-great war, was recently a guest at a White House state dinner. She was seated in a place of honor: the first lady's table. As for her friend Bacon, he has waxed philosophical about his humble -gate: "This is an extremely small part of a large and painful national drama."

Yes, but it is significant nonetheless. The rule of law has taken a beating in this administration, not to mention such demands as honesty and trustworthiness. After Cohen flaked out, one of Tripp's lawyers made a somewhat poignant statement: "Despite Linda Tripp's unpopularity, the law should protect her." Such a simple notion. And powerful, even now. ♦

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Father Flapdoodle Can Get You in Touch With YOUR INNER TEDDY BEAR

Walk into a liberal Catholic parish, and what do you hear in Fr. Flapdoodle's homily? God is your Father/Mother. God is warm and cuddly, and accepts you just as you are. Unconditionally.

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Since sin is a non-issue, nobody could possibly go to Hell. God is nonjudgmental, and everyone goes to Heaven or Nirvana or Valhalla or whatever.

And since "I'm OK, you're OK," there wasn't really any need for Christ to die on the cross. What's truly important about "the Christ figure" (like the Buddha figure) was the self-actualized lifestyle it modeled for us. If you fall short in that regard, well, you can get psychological help — hey, you can make an appointment with Fr. Flapdoodle, who will get you in touch with your Inner Teddy Bear.

Now is this the faith for which martyrs suffered torture and death? Silly question! Is this a faith for which a young person would forgo marriage and family, and take on life-long celibacy? No wonder we have a vocations shortage!

Liberal Catholics tell us the Church must be "inclusive" and "pluralistic," that there's no such thing as heresy anymore — there are only diverse viewpoints to be celebrated. But a religion that embraces everyone and anyone regardless of what he believes or how he behaves is moribund. As André Suarès noted, "There are no heresies in a dead religion." For as soon as a religion fails to authoritatively address the issues of falsehood — and sin and, yes, damnation — that religion has no point.

Look at what's happened in Europe: Many magnificent cathedrals are, except for the tourists, virtually empty. Look at America, where the liberal Protestant denominations are comatose, and where weekly church attendance among Catholics has fallen precipitously since woolly liberalism invaded the Church.

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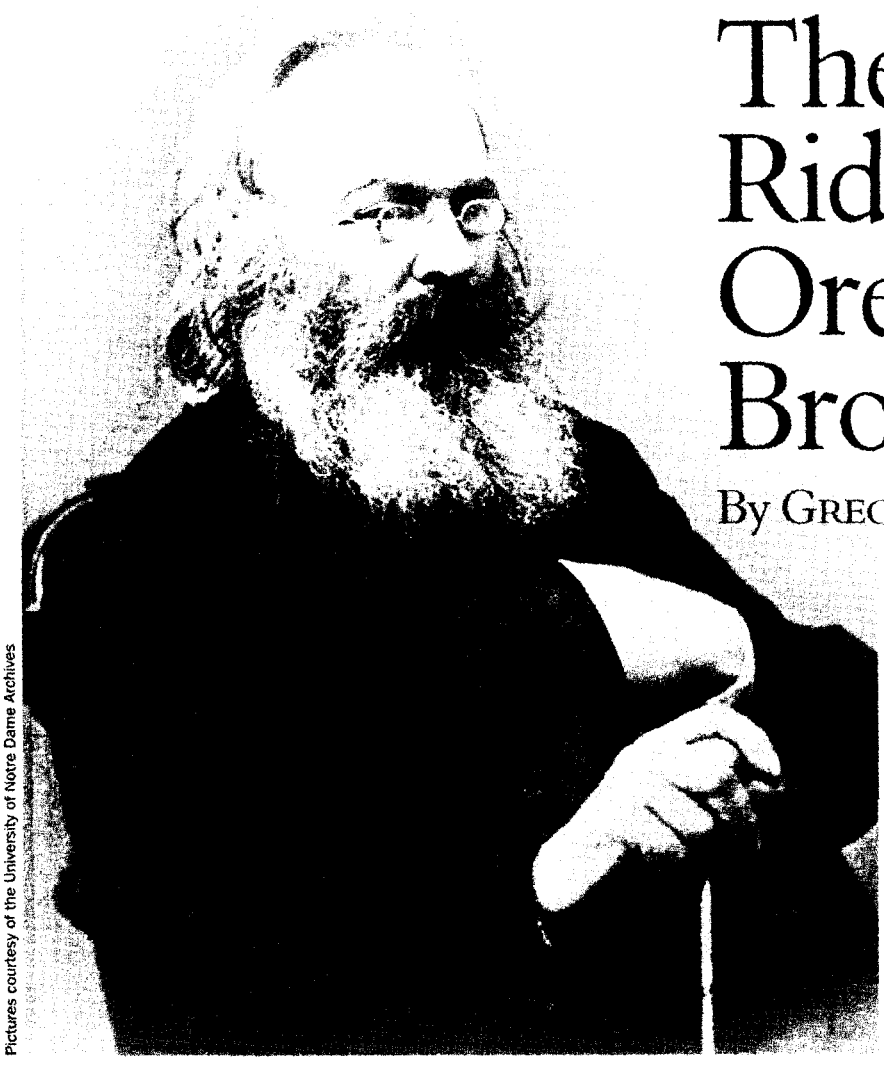
The Strange Ride of Orestes Brownson

By Gregory S. Butler



Pictures courtesy of the University of Notre Dame Archives

Since the publication of Arthur M. Schlesinger Jr.'s *Orestes A. Brownson: A Pilgrim's Progress* in 1939, a number of informative biographies of Brownson have appeared, together with monographs, collections of essays, and doctoral dissertations about this controversial nineteenth-century writer—a New Englander who was perhaps the most significant Catholic apologist in American history, an opponent of the secularized socialist culture he felt had been building throughout modern times, and a genuine American original.

One strength of R.A. Herrera's addition to this literature, *Orestes Brownson: Sign of Contradiction*, is its concise overview of Brownson's literary career, which spanned almost half a century and produced twenty volumes of work, in addition to huge quantities of letters and other unpublished writings. Herrera focuses in particular on the philosophical and religious journeys that led Brownson from Protestantism to Unitarian-Universalism, transcendentalism, Saint-Simonian socialism, and finally Catholicism.

Orestes Brownson
Sign of Contradiction
by R.A. Herrera
ISI Press, 190 pp., $24.95

Brownson claimed to have been motivated in his religious and intellectual peregrinations solely by an intense and passionate search for truth, rather than mere dilettantism. Unfortunately, Herrera fails to do justice to the measure of truth in Brownson's claim, for there was an odd but persistent continuity in Brownson's career. Herrera interprets Brownson's many changes as "bizarre," proof of "egotism," and an inexplicable "sign of contradiction." On the surface, of course, this is correct; Brownson's resting point shifted often and dramatically. But such changes are best understood as Brownson himself understood them: as an integral part of a long process of seeking the truth about human beings and what is demanded of them.

Brownson's journey began in the early 1820s. As he writes in his autobiography *The Convert*, his early years were marked by an unsettling sense of spiritual disorientation and confusion, largely due to the varied claims to religious truth he encountered in his hometown of Stockbridge, Vermont. He joined a Presbyterian congregation, but he soon found himself led away from all varieties of Calvinism. The rigid dogmatism he encountered seemed—as it seemed to other intellectually inclined New Englanders at the time—unworthy of creatures endowed with free will and reason.

He turned, instead, to the Unitarian-Universalists, a group of "freethinking" rationalists who offered a Christ cleansed of supernaturalism and portrayed as simply a reasonable, loving, and merciful man. This too, however, quickly palled, as Brownson became disillusioned with the incapacity of "natural" religion to satisfy the inner spiritual longing to establish contact with the divine ground of

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being. What he seemed to desire above all was some sort of spiritual experience that would illuminate the mysteries of human existence. But where to find it? God had not touched his soul in any special way; questions concerning the transcendent had become shrouded in "impenetrable darkness... baffling all our powers to answer." His own spiritual poverty soon became the standard by which he judged all matters, and he dismissed believers as trafficking in "unintelligible dogmas about unknown beings and invisible worlds."

Such dark convictions about religious belief meant that the material world began to take center stage in his thought. Brownson knew nothing of the preoccupations of mystics, but he was aware that the world seemed full of inexplicable suffering, and his quest for some sense of human purpose moved him into the arena of socialist political ideology. If the end of man is an earthly end, then we should be focusing our attention on the best means of securing an earthly paradise.

This was a view that Brownson claims he held "steadily and without wavering" from 1828 until 1842. His essays for the *Gospel Advocate* and his sympathies with the utopian schemes of Robert Owen, Francis Wright, and William Godwin show his engagement in the modern ideological project of inverting traditional Christian symbols of salvation to re-divinize the things of this world. During the 1830s he developed the idea of Christ as a humanitarian savior and forerunner to the progressive religion of the future, an idea that culminated in two of his best-known works: "New Views of Religion, Society, and the Church" in 1836 and "An Essay on the Laboring Classes" in 1840.

Of central importance to Brownson's "religion of humanity" was his attraction to New England transcendentalism. Brownson was particularly drawn to the romantic and sentimental dimensions of transcendentalism, because he believed these were the features that could inspire individuals to commit their lives to the humanitarian socialist project. In line with thinkers such as Emerson, Thoreau, and Channing, and under the direct influence of Victor Cousin, Brownson held that emotion and intuition are more reliable paths to truth than reason and reflection, and that those who follow the dictates of the individual conscience and the promptings of pure human sentiment will discover within their souls a spark of the divine nature itself.

Brownson argued that the unfolding of this new spirituality would awaken humanity to the moral imperative of social transformation. Echoing Pico della Mirandola's *Oration on the Dignity of Man*, he expounded a quasi-Promethean myth in which the god-like creature man is called by his creator to secure his own salvation within time. As one might expect, his interest in this sort of Renaissance esoterica led him to the more recent European ideologies that preached the newer progressivist gospel. Despite the presence of ideas on economic determinism in "An Essay on the Laboring Classes," there is no evidence that the early Marx had any direct influence, but all Brownson's works of the period bear the unmistakable stamp of French socialist thought, Comte's and Saint-Simon's in particular.

Brownson's embrace of Catholicism was a logical—even predictable—outcome of the nihilist tendencies in transcendentalism.

The most important change in Brownson's life was his conversion to Catholicism in 1844, a remarkable development given the progress of his thought over the two decades before. The change occurred in a three-year period, as Brownson grew disenchanted with his political religion. Central to his conversion was the recognition that the sentimentalist morality behind his ideological convictions rested upon shaky ground.

The experience of listening to the humanitarian author and lecturer Theodore Parker was particularly important, for Parker seemed to present the humanitarian-socialist faith in what Brownson termed a "naked, unbelieving spirit." For the first time he sensed an element of moral nihilism in the philosophical views that both men shared. If the transcendentalist "conscience" does not represent an authoritative path to pure morality, then it is little more than the projection of the individual will. As such, it is not a reliable source for human progress. Indeed, Brownson saw Parker's atheism as allowing the frightening possibility that human passion could produce the opposite of true humanitarian goodness.

These conclusions led Brownson toward the French thinker Pierre Leroux. Leroux's experiential philosophy of consciousness has now faded away from intellectual history, but it seemed to Brownson at the time an advance upon the antinomian tendencies of the transcendentalists. In a manner vaguely reminiscent of Hegel, Leroux maintained that consciousness consists of three elements: the subject, the object, and their interrelation. The subject is the individual thinker, the *me*; the object is that which is thought, the *not-me*; and the relation between them is the synthesis that produces knowledge and progress. Our thoughts, including the "conscience," are not simply our own but are the result of a continuous experiential dialectic.

Under the inspiration of this "doctrine of communion," Brownson became convinced that human consciousness presupposes the existence of an external reality in which human beings participate and which ultimately forms the ground for all human action. As Brownson put it in *The Convert*, "man lives, and can live only by communion with that which is not himself"—which seems, in turn, to

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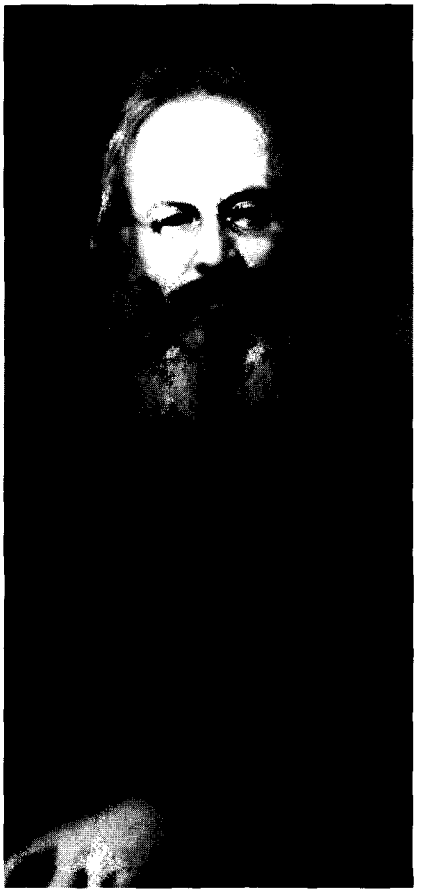
imply as a logical necessity the reality of a creator God as ultimately the only source for moral authority in human affairs.

This insight proved to be the "greatest step" in Brownson's long spiritual journey. He was compelled by it to reject humanitarian religion and politics, and he found that through it he could "reasonably accept the ideas of providence . . . supernatural inspiration, supernatural revelation, and Christianity as an authoritative religion." Herrera's account leaves the impression that Brownson's conversion marked simply one more port of call in his long career. But Brownson himself perceived it as rather a grasping of the final truth underlying human aspiration. As recounted in "Religious Orders," his conversion experience had an Augustinian completeness:

> It struck me as a flash of light in the midst of my darkness, opened to me a new world, and changed almost instantaneously not only the tone and temper of my mind, but the direction of my whole order of thought. Though years elapsed before I found myself knocking at the door of the church for admission, my conversion began from that moment. I had seized the principle which authorizes faith in the supernatural. God is free, I said, then I can love him, trust him, hope in him, and commune with him, and he can hear me, love me, and raise me to communion with himself.

What Herrera misses is the extent to which the possibility of embracing Catholicism was a logical—even predictable—outcome of certain nihilist tendencies within transcendentalism. The question of authority was the key. Transcendentalism's claim of private interpretation of morality according to the dictates of the individual conscience developed in a straight line from the Protestant claim of private interpretation of Scripture according to the dictates of the individual conscience. And Brownson came to see that the entire principle of private interpretation must ultimately undermine all religion and morality, as it subjects such matters to the whims and passions of a sinful human nature. Only the Catholic Church seemed to have "the slightest historical claim to be regarded as the body of Christ." It is in the Catholic sacramental tradition, Brownson maintained, that one finds a divinely instituted medium through which the possibility of a non-private authority enters human affairs.

Even after his conversion to Catholicism, Brownson held a belief in



progress. But that post-conversion progressivism had little to do with his old socialism. Rather, his new understanding of progress centered around the meaning and destiny of the American republic. In a highly controversial fashion, Brownson argued that there is an essential compatibility between Catholicism and the American constitutional order, including its provisions for church-state relations. He argued that the First Amendment is really more to the advantage of Catholicity than any Protestant denomination. Since the Constitution does not include any explicit philosophical or theological discussion of the ultimate ends or purposes of the state, such purposes are left to the community to establish, following a lengthy process of deliberation in which public reason roots out the elements that cannot command widespread acceptance. Those propositions that survive must necessarily be universal and authoritative—insofar as reason itself assents to their truth—and thus, in a properly constituted liberal regime, the Catholic Church enjoys full liberty to bring her message to the community.

For Brownson, the constitutional recognition of the Church's right to participate in the affairs of the community represents an implicit acknowledgment not only of the primacy of the spiritual order over the temporal, but also of catholicity over sectarianism. The state and church are not in conflict, since through its political mechanisms the community is necessarily moved in a Catholic direction: "The state conforms to what each holds that is catholic, that is always and everywhere religion; and whatever is not catholic it leaves, as outside of its province, to live or die, according to its own inherent vitality or want of vitality." In his own unique twist on Puritan symbols, Brownson viewed the American mission as one of "developing and applying to practical life one and the same divine idea."

That Brownson was always a liberal is indubitable, though there is some confusion, in both Herrera and other interpreters, about the meaning of "liberal." Brownson's desire for a separation of church and state is not at all the contemporary liberal's demand that the church have no say in the progress of secular society. Brownson never advocated total separation in this sense, even in those writings in which he took various "conservative" Catholic dictators to task or severely criticized traditional monarchical arrangements.

So what is the Brownsonian legacy? Herrera sees it mostly in the variety and liveliness of his intellectual career, with perhaps nothing beneath the

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"façade." But there may be, in fact, a way to see the spiritual unity that runs just beneath the surface. Brownson's call for the union of Catholic Christianity and the American state, for example, is likely to strike readers as hopelessly unrealistic (not to mention gravely offensive to both liberationist and socialist interpreters of the American political experiment). The idea, however, stems from Brownson's own experiences with freethinking and "enlightened" rationalism, as well as with radical humanitarian socialism: Personal freedom and social justice are possible only when the quest for freedom and justice is supplied with authoritative direction and guidance.

For Brownson the attempt to uphold rights and liberties cannot survive in an atmosphere of moral, ethical, and spiritual relativism. Relativism tends to breed prophets of innerworldly salvation—those who appeal to the alienated and dislocated by flattering residual religious sentiment and claiming to be the true and enlightened carriers of good, in opposition to traditional forces of "oppression." Of course, the baggage of oppression that must be cast off invariably includes the preoccupation with human freedom and dignity—which is how progressive dictators can arise. Indeed, the political history of our own century can almost be defined by the progressive withering away of anachronistic "rights" in the face of mankind's quest for total control of the environment, both human and non-human. Brownson was convinced that America's success as a free people depended upon her willingness to seek out the transcendent divine as the source for all morality, including that morality which holds to a belief in the transcendent worth and dignity of individuals.

To consider the case of Orestes Brownson is thus not simply to think about a curious nineteenth-century New England weathercock who swung over the course of his idiosyncratic and enormously productive writing career through Protestantism, Unitarianism, transcendentalism, Saint-Simonian socialism, and Catholicism. The one thing he never wavered in was his philosophical search for truth, and he arrived at a fundamentally non-secularist conception of human nature. We still need a biography able to tell us why Brownson was finally convinced by Catholicism and why he abandoned every position incompatible with that belief. "The man lies beneath his deeds, and is but slightly revealed by the outward events of his life," as Brownson himself once wrote. "Would you become acquainted with the man you must read the history of his soul—make yourself familiar with his spiritual experience, his inward struggles, defeats, victories, doubts, convictions, ends, and aims. These constitute the real man." ♦

We Hold These Lies

A Protestant sociologist argues that America has embraced a culture of untruth. BY DAVID AIKMAN

It will be a long time before a dispassionate historian can assess just what happened to both the American presidency and the American people during the Clinton administration. It is not simply that this particular president lied quite brazenly while in office; after all, presidents have lied before.

Nor is it simply that Americans were willing to put up with a rogue as their president because they associated him with a heady rush of the stock market. The most devastating feature of the Clinton presidency may be far more serious and longer-lasting: The American people appear to have been inoculated by Clinton's charm, agreeableness, and intelligence against any serious aversion to lying.

Time for Truth
Living Free in a World of Lies, Hype, & Spin
by Os Guinness
Baker, 128 pp., $12.99

That, in part, is the thesis of *Time for Truth: Living Free in a World of Lies, Hype, & Spin*, a pithy, powerful study by the sociologist Os Guinness. The book is not actually about Clinton, though he features in it as an important illustration of the larger points Guinness seeks to make.

Guinness was initially something of an admirer of Clinton in the early years of the administration, taking part in the portentous "Where are we headed?" discussions for sympathetic clergy, motivational speakers, and academics at the White House and Camp David. What most disturbs Guinness about Clinton is that, in Guinness's view, Clinton was "not just the corruptest, but the most corrupting president in American history."

The Clinton-Lewinsky scandal, in Guinness's view, was "not just the sad story of a brilliant but deeply flawed political leader, but the full flowering of a generation of trends in American society." It represents "the postmodern crisis of truth in presidential form: America's 'Nietzschean moment' in the Oval Office; the year America learned to live with the lie."

It is the pervasive culture fostered either by deliberate dishonesty or by evasions and shadings of truth that Guinness faces head-on. But the objection he brings to them is not just aesthetic. For Guinness, a society without truth is a society that will quickly forfeit freedom itself.

Truth "is not only essential to freedom; it *is* freedom, and the only way to a free life lies in becoming a person of truth and learning to live in truth." "The true, the good, and the free have to be linked together. . . . Truth with-

David Aikman is a senior fellow at the Ethics and Public Policy Center.

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out freedom is a manacle, but freedom without truth is a mirage."

By quoting formidable intellectual opponents of communism such as Vaclav Havel, Guinness makes clear that some political lies are plainly more lasting and dangerous than others. "I did not have sexual relations with that woman," even from our highest law enforcement officer, is not in the same league as "communism *is* democracy," especially when the slogan is backed by all the power of a police state.

But Guinness argues that some aspects of modern lying in Western culture—"the 'culture cartel' of postmodern academia, advertising, entertainment, and youth culture," for example—are more seductive and enduring than those of Communist society.

What Guinness targets is the casual acceptance by much of contemporary American society of the idea that it is legitimate to create an entirely fictional self-image and pass it off as truth.

The villain in this book is Friedrich Nietzsche, whom Guinness credits with having set in motion the wholesale assault upon truth that has particularly plagued the twentieth century. Nietzsche's "perspectivism" ("there are many kinds of eyes, and consequently, there are many kinds of 'truths,' and consequently there is no truth") works perfectly for the inventions of Rigoberta Menchu, the 1992 Nobel Peace Prize laureate who piled bogus fact upon bogus fact in her screed in favor of revolutionary violence.

"Whether her book is true or not," Guinness quotes a Wellesley professor as saying, "I don't care. We should teach our students about the brutality of the Guatemalan military and the U.S. financing of it." But, of course, as postmodernists themselves often assert, if there is no truth, then nothing is left but a struggle for power. Though Guinness doesn't elaborate the point, the century's grossest brutalities have been committed by political regimes that believe this.

For Guinness, though, it is not just postmodernism as such that is the problem; it is what he calls "a profound crisis of cultural authority in the West—a crisis of beliefs, traditions, and ideals that have been decisive for Western civilization to this point." If this crisis is not resolved, Guinness warns, then freedom itself will be imperiled. "Far from being a naive and reactionary position, truth is one of the simplest, most precious gifts without which we would not be able to handle reality or negotiate life."

Though born in China of British missionary parents and educated in

who are we?

Jean Bethke Elshtain

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England, Guinness has been passionately concerned about the direction of American politics and culture since his first visit in 1968, when he met Mario Savio and other New Left luminaries.

That visit led to one of the first thoroughgoing critiques of the 1960s counterculture, *The Dust of Death*. Though an Evangelical Christian, Guinness has often been fiercely critical of the Christian Right, and in the late 1980s he foresaw more clearly than most how the emerging American culture wars might prove in the end more threatening to people of faith than to secularists.

He sought to defuse the battle in advance with the "Williamsburg Charter" in 1988, a document intended to spell out exactly how the Constitution made provision for vigorous secular-religious debate without destroying a fundamental civic consensus on church-state separation.

Guinness today is the intellectual force behind the Trinity Forum, a Virginia-based think tank that engages business, political and government leadership in the United States and abroad in forums to discuss key historical and contemporary issues of character, freedom, and faith.

"One of my passionate desires," says Guinness, "is that the leadership of America will begin to appreciate the place of faith in the Western heritage, as the single strongest animating force in Western civilization."

Guinness obviously believes that Christian faith, expressed intelligently and renewed and invigorated by America's social and cultural leaders, offers the most effective way out of the postmodernist cul-de-sac into which our culture seems currently headed. But if the book were longer than its terse 128 pages, he might have spelled out more expansively why a contempt for the notion of truth is disastrous for *everyone*.

Without respect for truth, it will be impossible to sustain justice or freedom. *Time for Truth* is probably the best single restatement of the need for truth in contemporary America. ♦

Left Behind

That old-time radicalism hangs on in Latin America.

BY J.O. DE MEIRA PENNA

It was four years ago that three authors—the Venezuelan Plinio Apuleyo Mendoza, the Cuban Carlos Alberto Montaner, and the Peruvian Alvaro Vargas Llosa—produced for a Latin American audience an amusing guide to the defective habits and moronic language that intellectuals in that part of the world are wont to use. A surprise success in Spanish, the *Guide to the Perfect Latin American Idiot* has at last been translated into English. And it offers, with its judicious selection of idiotic passages from thinkers and leaders over the last hundred and fifty years, an opportunity for readers in the United States to grasp the extent to which Latin American intellectual and political life is driven by nationalistic resentments, inferiority complexes, and repressed grudges against the powerful neighbor to the north.

Guide to the Perfect Latin American Idiot
by Plinio Apuleyo Mendoza, Carlos Albert Montaner, and Alvaro Vargas Llosa
Madison, 218 pp., $24.95

The enterprise attempted by the three authors is not new. Some thirty years ago, the Venezuelan Carlos Rangel wrote an essay, "From the Good Savage to the Good Revolutionary," pursuing the same goal. Rangel achieved a certain international success thanks to the intervention of the well-known French writer Jean-François Revel, who sponsored a French translation with a prologue in which Revel explained that the leftist revolutionary myth in Latin America always comes with a corollary: The United States is the enemy, an imperialist exploitative society responsible for the poverty, backwardness, and under-development of the two dozen republics south of the Rio Grande.

A similar analysis has been performed over the years by Roberto Campos (a former diplomat and politician, and Brazil's most prestigious economist), who has long waged a thankless war against the anti-democratic and anti-free-market impulses in Latin America. And one should not forget the Brazilian philosophy professor and popular author Olavo de Carvalho, whose scholarly and comic 1997 *O Imbecil Collectivo*—the "Collective Imbecile"—became a best-seller by exposing the fatuous projection of resentment that prompts so much left-wing thought in Brazil.

But though the idea behind the *Guide to the Perfect Latin American Idiot* is not new, Mendoza, Montaner, and Vargas Llosa have added to it the clever notion of letting the idiots speak for themselves. Passage after passage, dredged from the past, demonstrates the near-universal use of the United States and its economic system as convenient scapegoats for all the frustrations, disappointments, and resentments of South American intellectuals and politicians—a shadow projection of the feelings of inferiority that plague the Latin American consciousness.

The examples are overwhelming, hilarious, and terribly sad:

♦ From the Nobel prize-winning Gabriel García Márquez: "If it weren't for Cuba, the U.S.A. would already have reached Patagonia."

The former Brazilian ambassador to Nigeria, Poland, Norway, and Israel, J.O. de Meira Penna is president of the Instituto Liberal de Brasília and the author of several books on political theory and Jungian social analysis.

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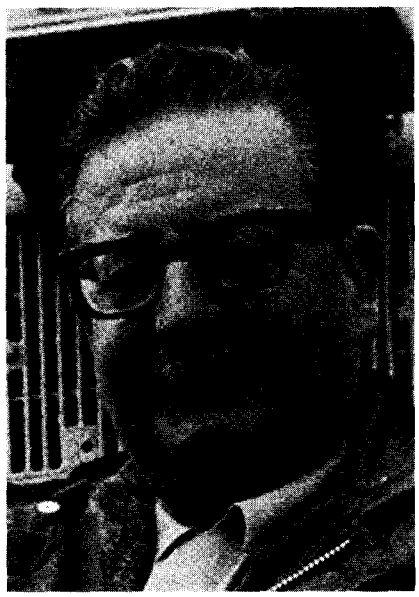
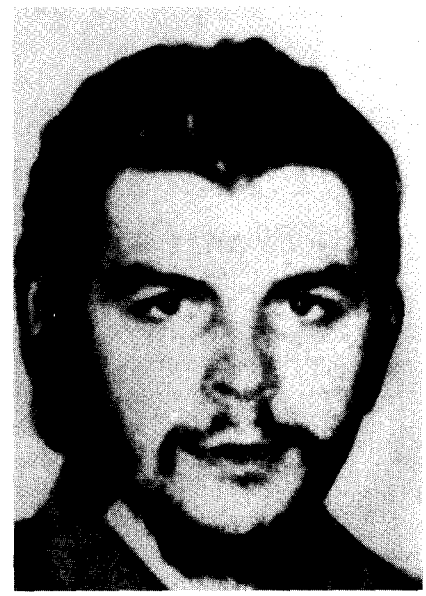

AP / Wide World Photos

Salvador Allende in Chile, 1971. Che Guevara in Cuba, 1959. Daniel Ortega in Nicaragua, 1996.

♦ From Alan García, a president of Peru known for his corruption and ineffectiveness: "I confess here that I only possess one pair of shoes, not because I want to play being poor or exaggerate, but because I really do not need more."

♦ From Carlos Andrés Pérez, a president of Venezuela impeached and expelled for corruption: "If you see me becoming rich, call me a thief."

♦ From Che Guevara, the Argentinian guerrilla leader and minister of the economy of Cuba under Fidel Castro: "Ten percent is the development growth index which is anticipated for the coming years in Cuba. What do we think will be Cuba's GNP per capita in 1980? It will be $3,000 dollars. More than the USA!"

The only eminent Brazilian who appears in the *Guide to the Perfect Latin American Idiot* is the ex-metal worker "Lula" da Silva, a sort of idealistic Neanderthal who is the perennial head of Brazil's labor party (the *Partido dos Trabalhadores*) and perpetual candidate for president. In a 1993 speech while visiting Havana, Lula castigated "neoliberalism" as at the same time a "myth" and a "demonic reality" that is turning to even greater poverty all the poor nations of the world.

In fact, however, Brazil has much to offer a collection of perfect idiocy like the one assembled by Mendoza, Montaner, and Vargas Llosa. More serious than Lula's rantings in Cuba was a 1987 assertion by then-president José Sarney that Brazil would not pay its foreign debt "with the hunger of our people." The result of Sarney's default in foreign debt payments was injury to Brazil's credit and international credibility for the next ten years. In 1992, the senator for São Paulo, Fernando Henrique Cardoso—an ex-professor of sociology and proponent of the "Dependency Theory" that blames all Brazil's woes on its economic thralldom to the United States—grandly announced that the only two evils plaguing the country were "tax evasion by the rich and the payment of the foreign debt." (Elected to the presidency two years later, after a short stint as minister of finance during which he drastically suppressed runaway inflation with orthodox economic prescriptions, Cardoso asked Brazilians "to forget everything I wrote." He then began to lead the country, albeit with much vacillation, on the road to globalization, privatization, and neo-liberalism.)

After the fall of the Berlin Wall and the collapse of the Soviet Union, left-wing socialism in Latin America retreated for a while to a deserved position of quiescence. Lately however, the same intellectual disease has re-emerged with renewed malignancy. At the heart of these latest versions of collectivism, we find the old, old paranoia about the United States, appearing in fascinating new forms.

There is, for instance, a belief held simultaneously in certain New Age leftist and diehard military circles that the region around the Amazon will soon be overrun by United Nations troops, led by U.S. Marines, under the ecological pretext of saving from destructive exploitation the tropical jungle, but with the real aim of taking possession of its hidden mineral wealth and biodiversity.

There is, for another example, a movement among leftist Catholic clerics (inspired by the old liberation theology, passing under the guise of a "preferential option for the poor") who insist on speeding up official land-reform programs by force and who take their cue from events in the Mexican province of Chiapas.

Then, too, there are the tattered remnants of the old Communist parties (Trotskyite and orthodox Stalinist). Together with the lunatic wing of Latin American labor parties, they dream of a "Third Wave" revolution to supersede the failed Leninist revolution of Russia and Maoist revolution of China—thereby raising Latin America to a new world leadership of the downtrodden.

Finally, there is, across Latin America, a vague stirring of introverted,

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autarchic, or isolationist feelings. Strongly supported by business and government circles who fear foreign competition, it is directed against economic globalization and is similar to the anarchic spirit that rallied noisy youthful crowds in Seattle and Washington against the IMF, the World Bank, and the process of economic evolution toward a world market.

Different as they are, what all these new movements have in common is their roots in the old Latin American idiocy—as proved by their shared use of the oldest slogans, catchwords, and elaborate but vicious arguments sketched by Montaner, Mendoza, and Vargas Llosa in their *Guide to the Perfect Latin American Idiot*.

The only qualification one could offer to their formidable dissection of the collective unconscious is that perfect idiocy of this type is not a uniquely Latin American privilege. Indeed, this kind of ideological contamination has a worldwide reach. In each region, it uses local ingredients to feed its universal mental parasites—with the United States invariably pictured as using its political, economic, and military power to force its capitalist exploitation upon unwilling, subordinate peoples.

The present mercantilist and patrimonialist social structure of Latin America is a harsh legacy of the traditional absolutism of church and state in Spain and Portugal. What now stands in the way of social, political, and economic development, however, is the ideology of the perfect Latin American idiots—with their lethal combination of right-wing nationalism, left-wing socialism, and romantic utopianism.

The nations of South America can only evolve into modern democracies and free-market economies if they undergo a purging of the ideological demons that fill the mental environment created by our intellectual elites. A collective psychoanalysis may be the only way to achieve that. But, short of getting the entire continent on the psychoanalyst's couch, the *Guide to the Perfect Latin American Idiot* makes an excellent start. ♦

The Ivory League

Why Juilliard remains America's premier arts college.

BY RICHARD KOSTELANETZ

For the past century, Juilliard has been the most successful arts college in America. One convenient measure is the distinction of its alumni. Through its music classes alone have passed Richard Rodgers, Van Cliburn, Billy Strayhorn, Philip Glass, James Levine, Miles Davis, Yo-Yo Ma, Itzhak Perlman, Paul Zukofsky, Peter Schickele, and Midori—which is to say classical composers along with jazz and Broadway greats, avant-garde instrumentalists along with concert-hall superstars and comic geniuses. This is a "royal college" in the British tradition, but created and sustained in a uniquely American way.

Juilliard
A History
by Andrea Olmstead
Univ. of Illinois Press, 400 pp., $37.50

Perhaps even more remarkable than Juilliard's achievement is how continuous it has been. Art colleges tend to be more volatile than liberal arts universities, as the departure or arrival of a few key people can drastically change the educational effect. The graduate school at Yale in the early 1960s produced a number of prominent painters and sculptors, but has taught many fewer in the years since. One of the great American art incubators, North Carolina's Black Mountain College, disappeared in 1957, after only twenty-four years of existence. Juilliard's own dance and drama schools, added at later points in its history, have benefited from the music school's reputation but have never succeeded to the same degree.

Richard Kostelanetz is a widely published poet and critic. The latest collection of his essays, More On Innovative Music(ian)s, *will appear later this year.*

So why has the Juilliard music school been so steadily fortunate? That should be the question taken up in Andrea Olmstead's *Juilliard: A History*. But, wanting to write an institutional rather than an art or intellectual history, she addresses the question only peripherally. And consequently, by concentrating mostly on administrators and trustees, she misses much of the real action in an arts college: what occurs between teacher and student and what occurs among the students themselves.

A model for the kind of study Olmstead's *Juilliard* could have been is the 1987 volume by Mary Emma Harris, *The Arts at Black Mountain College*, which focused on teachers and students to explain the innovation and excellence. Olmstead does include some previously published anecdotes from Miles Davis and the choreographer Paul Taylor, but she interviewed few former students and rarely quotes from their experience.

As at Ivy League universities, there were certain moments at Juilliard in which the students were brighter than the teachers, and the stronger ones often taught the others. The composer Philip Glass has recalled how in the late 1950s he and the aspiring opera singer Shirley Verrett seperately hired another student, Albert Fine, to give them private lessons.

The most adept composition student in Glass's years, Peter Schickele (later noted for the comedy records of "P.D.Q. Bach"), taught his fellow students in a course that Glass remembers as among his best. The reputation of those students helped Juilliard to rein-

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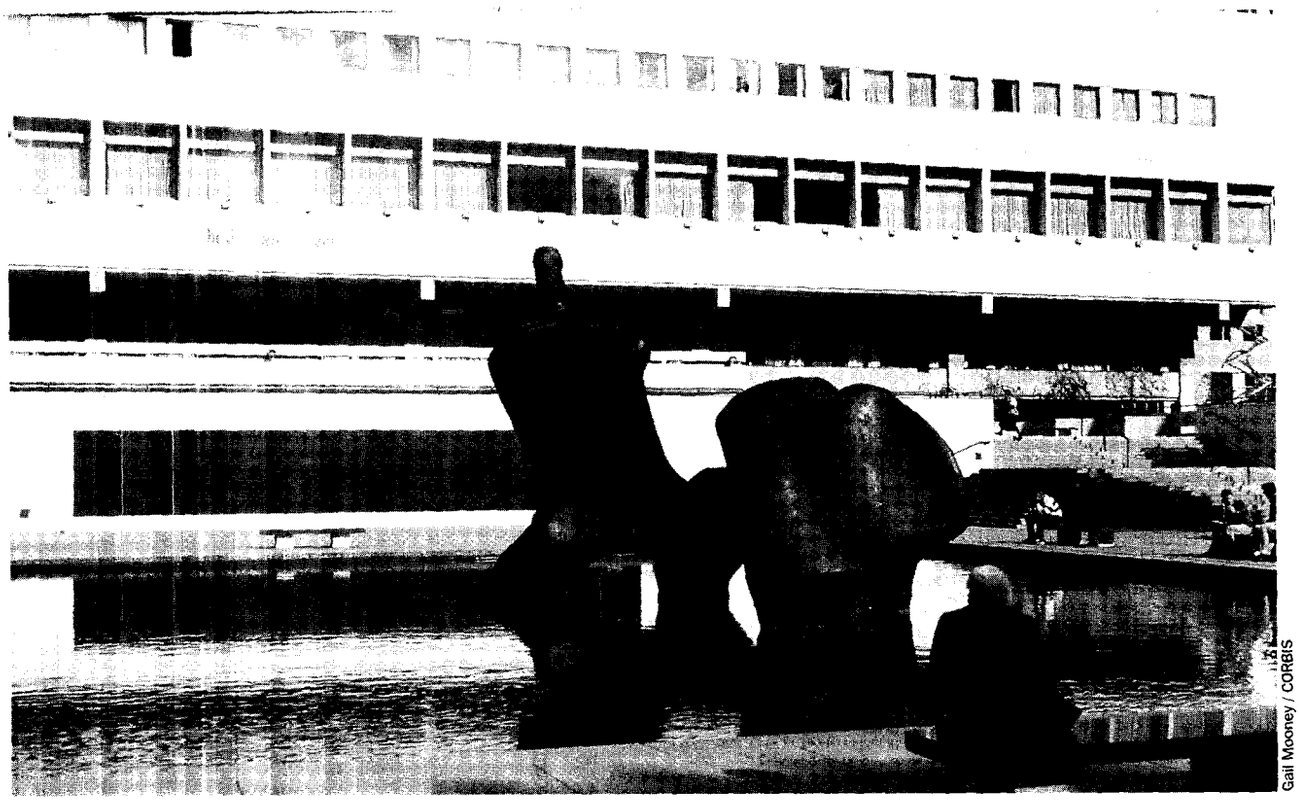

Gail Mooney / CORBIS

The reflecting pool at Lincoln Center, across from the Juilliard School.

force its faculty a decade later with some of the brainiest and most influential composers and teachers in America: Roger Sessions, Milton Babbitt, and, occasionally, Elliott Carter.

One reason for the school's success has been its location in Manhattan. And yet, the city houses other music schools, some more conveniently located near midtown performance venues. Why has Juilliard remained preeminent? Was it simply that Juilliard's reputation as the best music school made it attractive to successive generations of the most ambitious teenage musicians from around the world?

Olmstead notes in passing that the school never gave tenure or imposed mandatory retirement upon its faculty—without acknowledging the significance of those administrative departures.

Another cause of Juilliard's success has been the power its teachers have wielded for many years. Glass recalls how often his professors sat on secret juries (such as those selecting Fulbright scholars to go abroad) and could thus advise him with authority on fellowships.

More important perhaps, aspiring student composers could get equally ambitious instrumentalists to play their scores, so that, as Glass remembers, many years would pass before he would hear his own compositions as often.

This tradition of eager excellence continues. As an avid New York concertgoer, I see this quality less in student composers than in Juilliard instrumentalists. For those of us who prefer high modern music to slick classical or "postmodern," Juilliard's free concerts rank among the best in New York.

The annual "Focus" series a few years ago was devoted exclusively to that most severe serial composer, Anton Webern, whose works are rarely heard elsewhere. Groups of brilliantly proficient students appeared one after another to play for a few minutes at a time, with slight repetition of personnel. So rich is the Juilliard program in training so many superior instrumentalists that the cumulative effect has been awesome. No other institution could have done it; no other will.

This past season, Bruce Brubaker, who directs the piano department, sponsored "Piano Century," eleven concerts from September to April. Selecting over a hundred pieces to distribute to his students, he chose many modern classics that are rarely heard live—not only because many professional recitalists find them difficult, but because producers would advise against them: Alban Berg's *Sonata* (1908), Sofia Gubaidulina's *Chaconne* (1962), Karlheinz Stockhausen's *Klavierstück X* (1955-1961), Pierre Boulez's *Sonata No. 1* (1946), Carl Ruggles's *Evocation No. 1* (1937), Roger Sessions's *Sonata No. 3* (1965), Stefan Wolpe's *Passacaglia* (1936), and Charles Ives's *Sonata No. 1* (1902/1909).

This is big league "spring training" of a sort rarely found in American academia and one of those elements that continue to make Juilliard so good. Andrea Olmstead—a graduate of Juilliard herself and married to another, the composer Larry Bell—probably knows more about the school's ways than she tells in *Juilliard*. Initially a violinist and then a musicologist whose previous books were about Roger Sessions, she writes here, curiously, less about musicians and composers than about administrators.

Her book will be popular with her fellow Juilliard alumni, for it does contain much good material about how the mountain was built. But because of her concentration on bureaucrats, Olmstead is less successful at explaining why it stays so high. ♦

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At the Democratic fund-raiser, Gore shook his booty—and his Palm Pilot.
—*News Item*

Parody

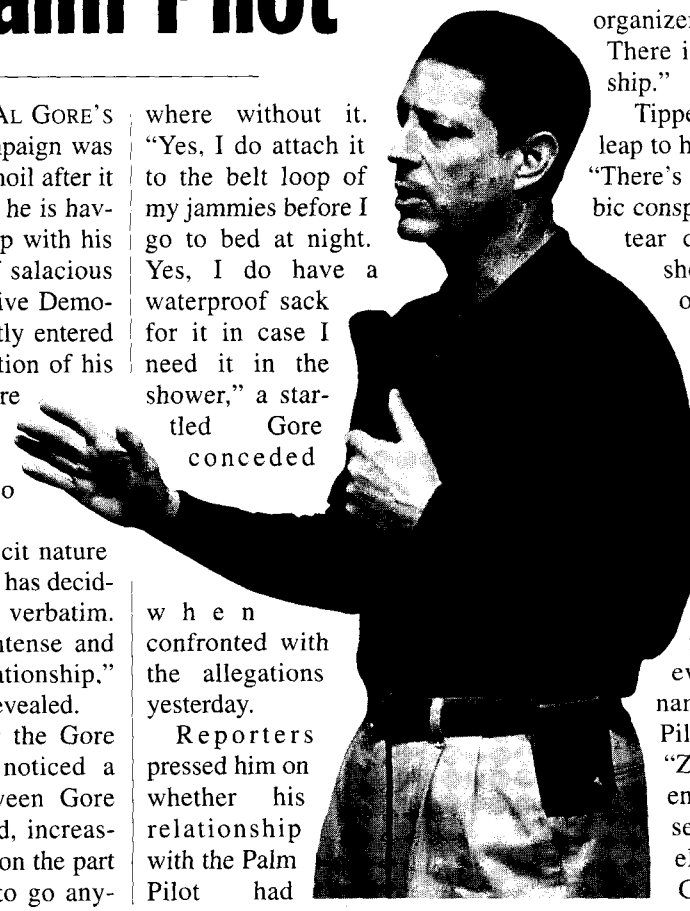
THE VEEP

Gore Caught in Love Tryst with Palm Pilot

VICE PRESIDENT AL GORE'S presidential campaign was thrown into turmoil after it was alleged that he is having a sexual relationship with his Palm Pilot. A series of salacious notes that the presumptive Democratic nominee apparently entered into the memo pad section of his hand-held organizer were inadvertently beamed to another Palm Pilot and leaked to NEWSWEEK.

Because of the explicit nature of the notes, NEWSWEEK has decided not to publish them verbatim. "But they reveal an intense and ongoing physical relationship," one NEWSWEEK editor revealed.

Journalists covering the Gore campaign have long noticed a strange intimacy between Gore and his Palm Pilot, and, increasingly, an unwillingness on the part of the Vice President to go anywhere without it. "Yes, I do attach it to the belt loop of my jammies before I go to bed at night. Yes, I do have a waterproof sack for it in case I need it in the shower," a startled Gore conceded when confronted with the allegations yesterday.



Reporters pressed him on whether his relationship with the Palm Pilot had become sexual. "That depends on how you define sex," Gore replied defiantly. "Does my Palm Pilot give me satisfactions and pleasures that I never knew were possible? Yes. Has it helped me open up the full flowering of my manhood? Yes. But listen to me. I want to make one thing clear. I did not have sexual relations with that organizer . . . the Palm Pilot. There is no sexual relationship."

Tipper Gore was quick to leap to her husband's defense. "There's this vast, technophobic conspiracy that is trying to tear down my husband," she charged. "But one of Al's great gifts, which he would bring to the White House, is his amazing ability to bond with inanimate objects, to improve relations between people and things."

NEWSWEEK reported that Gore even has a pet nickname for his Palm Pilot. He calls it "Z23998YVP," apparently a reference to the serial code of a home electronics kit that Gore loved as a boy. ■

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Time to End the Corporate Income Tax

Kenneth L. Judd is a senior fellow at the Hoover Institution.

The corporate income tax—a feature of the U.S. tax system for several decades—is a natural part of a tax system that seeks out income and taxes it wherever it is found. Such a system is flawed, however, and the corporate income tax is one of its most serious flaws.

Through a corporation, large groups of investors can pool their resources, share their risks, and adjust their investments through stock market trading. Although partnerships are a less flexible way to organize a business in that they rely on a relatively small number of investors who can adjust their share only through costly negotiations, their small size creates more accountability. The choice between organization types depends on various trade-offs that the market can work out.

A firm becomes a corporation when it needs capital to grow, even though this decision brings with it the corporate income tax, which effectively takes one-third of all profits ever generated by a new corporation but puts up no cash.

The corporate income tax distorts the allocation of capital between partnerships and corporations by forcing corporations to offer a higher return on investment since they must both pay their investors a competitive return and give the government its third. Thus enterprises that can be efficiently organized as partnerships, such as commercial real estate companies, have easier access to capital since they do not pay corporate income tax, causing too much capital to be directed to such activities.

This misallocation of capital is particularly damaging for a dynamic economy such as that of the United States, whose economic growth comes from innovation. Innovation is an expensive and risky activity, however, and often requires the advantages of a corporation. **The United States tax policy should be revised to encourage innovation**, which benefits not only the innovator but also consumers through new products and workers through higher productivity. Instead, the corporate income tax discourages innovation and thus damages growth.

The burden of the corporate income tax can be reduced by a variety of reforms. For instance, many European countries allow investors to be credited on their personal tax bills for income taxes paid by the corporations they own. Phasing out the corporate income tax for old firms and eliminating it for new corporations would produce large benefits with small losses in revenue. With some ingenuity, the political process can find some way to rid our economy of this burden and benefit investors, consumers, and workers. The corporate income tax is an anachronism. Eliminating it would help maintain strong economic growth.

— Kenneth L. Judd

Paid for by the Hoover Institution, Stanford University.

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